

CITY COUNCIL AGENDA PACKET

MONDAY
NOVEMBER 4th, 2002

•7:00 P.M. CITY COUNCIL REGULAR SESSION

*Please contact Chris Eppley, City Manager if
you have any questions or need additional
information regarding any of the staff
reports or issues contained on the agenda.*

Thanks!!

CITY OF KEIZER MISSION STATEMENT
**KEEP CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY PROVIDING CITY SERVICES TO
THE COMMUNITY IN A COORDINATED, EFFICIENT AND LEAST COST FASHION**

A G E N D A

KEIZER CITY COUNCIL
REGULAR SESSION

Monday, November 4, 2002

7:00 p.m.

**Robert L. Simon Council Chambers
Keizer, Oregon 97303**

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

This time is provided for citizens to address the Council on any matters other than those on the agenda scheduled for public hearing.

4. PUBLIC HEARINGS

- a. Richard Lewis Development Review Hearing – Case No. 2002-59 (cont. from October 21, 2002)**

5. COMMITTEE REPORTS

6. OTHER BUSINESS

This time is provided to allow the Mayor, Council members or staff an opportunity to bring new or old matters before the Council that are not on tonight's agenda.

a. New Business

b. Old Business

7. ADMINISTRATIVE ACTION

- a. Gubser Neighborhood Traffic Management Plan**

- b. Chemawa Activity Center/Keizer Station Plan – Text Amendment/Comprehensive Plan Change/Zone Change Case No. 01-50**

- c. **ORDINANCE** – Setting Water Rates
RESOLUTION – Adopting Methodology Used to Establish the Water Supply, Treatment and Distribution System Development Charge Improvement Fee
RESOLUTION – Establishing the System Development Charge Improvement Fee for the Keizer Water Supply Treatment and Distribution System

8. CONSENT CALENDAR

- a. **RESOLUTION** - Initiating Windsor Woods Street Lighting District
- b. **RESOLUTION** – Approval of Rickman Crossing Street Lighting District
- c. Request for Proposals – Salary Compensation Study
- d. 2002 Miracle of Christmas Noise Variance
- e. Approval of October 7, 2002 Regular Session Minutes
- f. Approval of October 14, 2002 Work Session Minutes

9. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

10. AGENDA INPUT

November 11, 2002 – Holiday – No Work Session

November 18, 2002

7:00 p.m. City Council Meet

- Rickman Crossing Street Lighting District Hearing
- LaEstrellita Restaurant Liquor License Change of Name/Ownership

December 2, 2002

7:00 p.m. City Council Meet

- Comp Plan/Zone Change/Subdivision Public Hearing –
Salem-Keizer School District

11. ADJOURN

Upon request, auxiliary aids and/or special services will be provided. To request services; please contact us at 503-390-3700 or through Oregon Relay 1-800-735-2900 at least two working days (48 hours) in advance.



November 4, 2002

AGENDA ITEM 4a

**RICHARD LEWIS DEVELOPMENT REVIEW HEARING --
CASE NO. 2002-59**

CITY COUNCIL MEETING: November 4, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: *DEVELOPMENT REVIEW CASE NO. 2002-59 (RICHARD LEWIS/CADE STREET)*

At the last Council meeting, the Council continued the public hearing on this matter to tonight's meeting. I have been in contact with Norman Hill, attorney for Richard Lewis, about possible resolutions to this case. I hope to update the Council in this regard at Monday's meeting. **PLEASE BRING YOUR PREVIOUS PACKET MATERIALS ON THIS ITEM WITH YOU TO MONDAY'S MEETING.**

RECOMMENDATION:

Open the public hearing and continue to take testimony. If there are no further questions, close the public hearing and deliberate.

Please contact me if you have further questions in this regard. Thank you.

ESJ/tmh



November 4, 2002

AGENDA ITEM 7a

GUBSER NEIGHBORHOOD TRAFFIC MANAGEMENT PLAN

CITY COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR AND CITY COUNCIL

**FROM: CHRISTOPHER C. EPPLEY
CITY MANAGER**

SUBJECT: GUBSER NEIGHBORHOOD TRAFFIC MANAGEMENT PLAN

BACKGROUND

In January of 2002, Rob Kissler, Chris Eppley, City Manager and Rob Kissler, Public Works Director asked the Keizer Traffic Safety Commission (TSC) to develop a strategy to address traffic concerns in the Gubser Neighborhood. The TSC accepted the request, conducted a number of public hearings and formed a series of recommendations to address cut-through traffic from River Road heading toward I-5 Interchange Exit 260 through the residential areas adjacent to Trail Avenue along Manzanita Street, Harmony Drive and Mandarin Drive. A copy of the TSC Recommendations has been provided for your review as Attachment A.

City Staff had an opportunity to review the recommendations from the TSC and provide feedback for their review.

Through a series of public hearings at City Council, discussions with Gubser neighbors and a joint work session between the City Council and the TSC, staff has prepared a recommendation for a first phase of improvements to provide traffic calming to the Gubser neighborhood. This recommendation was presented to the TSC at their regular meeting on October 24th, 2002. The TSC had an opportunity to review the recommendation, discuss it with staff present at the meeting and passed a recommendation that modifies the staff recommendation to some extent. A copy of the staff recommendation has been provided for your review as well as the draft minutes from the October 24th TSC meeting outlining the TSC revisions to the staff recommendation. Please review for background.

RECOMMENDATION

Staff recommends that Council review the TSC recommendations from their October 24th, 2002 meeting and direct staff to implement the items outlined therein. A list of those recommendations follows:

- Create **4-way stop** at Manzanita Street and Trail Avenue.
- Create **4-way stop** at Manzanita Street and 13th Avenue.
- Create **3-way stop** at Trail Avenue and Mandarin Street.
- Create **3-way stop** at Trail Avenue and Harmony Drive.
- Create **3-way stop** at 14th Avenue and Mandarin Street.

In addition, staff recommends that Council direct staff to cause the following actions to be put into place:

- **Post No Left Turn, 4:30 PM - 6:30 PM, Monday – Friday** at Harmony Drive and 14th Avenue.
- Improve Trail Avenue by adding ***Bike Lanes*** on both sides of the roadway from Harmony Drive to Manzanita Street.
- Improve Harmony Drive by adding ***Bike Lanes*** on both sides of the roadway.
- Explore options at the intersection of River Road and McNary Estates Drive to improve traffic flow.

Staff also recommends that Council direct staff to develop traffic volume counts at or about 6-month following the completion of the traffic calming measures to test for effect and prepare a report to the City Council to forward to the TSC. If it is determined that the sought after effect has not been achieved, staff recommends that the City Council direct the TSC to develop a second phase of recommended improvements to further calm cut through traffic in the Gubser neighborhood.

FISCAL IMPACT

- Signage improvements can be made with funds already budgeted in the Street Fund for traffic calming in the Gubser Neighborhood.
- It is possible that Bike Lanes along Harmony Drive will not be able to be completed with currently budgeted funds. In that case, staff will inform Council and prepare a recommendation for funding alternatives.

Memorandum

TO: Mayor and City Council

FROM: Christopher C. Eppley, City Manager

DATE: October 24, 2002

SUBJECT: Staff recommended improvements within the Gubser neighborhood in lieu of recommendation 3-A of the TSC Gubser Neighborhood Traffic Management Plan.

As opposed to closing Trail Avenue at Manzanita Street, staff makes the following recommendations to alleviate cut through traffic internal to the Gubser neighborhood:

- Create **4-way stop** at Manzanita Street and Trail Avenue.
- Create **4-way stop** at Manzanita Street and 13th Avenue.
- Post **No Through Traffic** on Manzanita Street at the Trail Avenue and 14th Avenue intersections.
- Create **3-way stop** at Trail Avenue and Mandarin Street.
- Post **No Left Turn, 6:30 AM - 8:30 AM, Monday - Friday** at Trail Avenue and Mandarin Street.
- Create **3-way stop** at Trail Avenue and Harmony Drive.
- Post **No Left Turn, 6:30 AM - 8:30 AM, Monday - Friday** at Trail Avenue and Harmony Drive.
- Create **3-way stop** at 14th Avenue and Mandarin Street.
- Post **No Left Turn, 4:30 PM - 6:30 PM, Monday - Friday** at 14th Avenue and Mandarin Street.
- Post **No Left Turn, 4:30 PM - 6:30 PM, Monday - Friday** at 14th Avenue and Harmony Street.
- Improve Trail Avenue by adding **Bike Lanes** on both sides of the roadway from Harmony Drive to Manzanita Street.
- Improve Harmony Drive by adding **Bike Lanes** on both sides of the roadway.
- Explore options at the intersection of River Road and McNary Estates Drive to improve traffic flow.

CITY OF KEIZER
TRAFFIC SAFETY COMMISSION MINUTES
KEIZER CITY HALL ~ Conference Room B
Thursday, October 24, 2002 @ 7:00 p.m.

1. CALL TO ORDER

Chair Jackson called the meeting to order at 7:02 p.m.

2. ROLL CALL

The following members were present: Randy Jackson, Harlan Naegeli, David Dehlin and Joseph Ortiz

Also present: Acting Liaison Jacque Moir, Staff Liaison Sgt. Lance Inman, City Manager Chris Eppley, Councilor Richard Walsh and Recording Secretary Cindy Perry

Absent: Steve Lamb and Steve Prothero

3. REVIEW/APPROVE MINUTES

➤ September 26, 2002

Joseph Ortiz moved for approval of the September 26, 2002 minutes as written.
Harlan Naegeli seconded the motion.

AYES: Dehlin, Jackson, Naegeli and Ortiz (4)

NAYES: None (0)

ABSENT: Lamb and Prothero (2)

ABSTENTIONS: None (0)

4. APPEARANCE OF INTERESTED CITIZENS

James Cathey, 1834 Jonathan Court, Keizer-requested that further steps be taken to reduce the speeds along Verda Lane. He indicated that he believed that the traffic volume had doubled, and he expressed concern for the pedestrians in the area. Mr. Cathey presented a map of the area, pointing out the curve and the blind spots from the side streets, which he believed, caused a hazardous

situation for pedestrians. He outlined some of the crosswalks and suggested that additional signage might be beneficial to encourage the use of the crosswalks.

Chair Jackson indicated since Mr. Cathey's presentation last year that City staff had followed up on the situation which the Commission had not received updates on.

Mr. Cathey complimented staff for the work that had been done, but he believed there were additional things such as sidewalks along the curve on Verda Lane to make pedestrian traffic safer.

Sgt. Lance Inman reported that officers were no longer being placed near the school zone due to the lack of activity. He noted that the department followed-up with the crossing-guard on Verda on a monthly basis and that she had reported no problems. Sgt. Inman indicated, in his opinion, that the posted 35mph-speed limit along Verda was safe.

City Manager Eppley noted some of the side effects of improvements. He indicated that traffic and speed counts would be done later this year.

Chair Jackson thanked Mr. Cathey for his presentation.

5. WRITTEN COMMUNICATIONS

None

6. BIKEWAYS REPORT

Hersch Sangster reported some of the committee's accomplishments over the past year that included:

- Helmet Diversion Program with the partnership of the Keizer Police Department and the Keizer Fire Department, with 25-40 participants in each class.
- Acquiring grant funds to help improve a pedestrian/bike path between Jack Street and Rivercrest
- Using grant funds from ODOT to develop and disperse Bicycle Safety Packages to the local elementary schools.
- DaySpring Bike Rodeo in September with approximately 200 kids in attendance.

- The receipt of \$500 from the Keizer Rotary to purchase bike helmets. Over 2,000 helmets had been dispensed to children who could not afford to purchase a helmet.

Chair Jackson thanked Mr. Sangster for his presentation.

7. REPORT FROM CHAIR

Chair Jackson thanked those members of the Commission whom attended the work session with the City Council.

Chair Jackson reported that the Community Policing Representative to the Commission, Glenn Putman, had resigned his position.

8. STAFF LIAISON REPORT

Sgt. Lance Inman summarized traffic statistics for September 2002. He also provided a synopsis of the grants including *ACTS Oregon*, *DUII grant*, *Laser Grant* and *Pedestrian Safety Grant*. Sgt. Inman outlined the work done with the DUI Prevention Grant and the Pedestrian Safety Grant and the 71% compliance rate by drivers for pedestrians in crosswalks within the city.

Sgt. Inman agreed to forward letters pertaining to the grant awards to Chair Jackson.

9. COUNCIL LIAISON REPORT

Acting Liaison Councilor Moir reported through a third party complaint that she had been notified of concerns regarding turning issues in the area of Taco Bell. She indicated that Councilor Lee would provide additional information at the next TSC meeting to see if the Commission would be interested in reviewing the issue.

Councilor Moir provided handouts pertaining to the Gubser Neighborhood Traffic Plan and a memo dated October 24, 2002 from City Manager Eppley.

City Manager Eppley addressed the memo under General Business.

10. GENERAL BUSINESS

The memo dated October 24, 2002 contained staff's recommended improvements in lieu of closing Trail Avenue. Those recommendations included:

- Create four-way stops at:

- a. Manzanita Street and Trail Avenue
- b. Manzanita Street and 13th Avenue
- *Post No Through Traffic at:*
 - a. Manzanita Street at Trail Avenue
 - b. Manzanita and 14th Avenue
- *Create three-way stops at:*
 - a. Trail Avenue and Mandarin Street
 - b. Trail Avenue and Harmony Drive
 - c. 14th Avenue and Mandarin Street
- *Post No Left Turns from 6:30 a.m. - 8:30 a.m. Monday-Friday at:*
 - a. Trail Avenue and Mandarin
 - b. Trail Avenue and Harmony Drive
- *Post No Left Turn from 4:30 p.m. - 6:30 p.m. Monday-Friday at:*
 - a. 14th Avenue and Mandarin Street
 - b. 14th Avenue and Harmony Street
- **Add bike lanes to Trail Avenue on both sides from Harmony Drive to Manzanita Street (budgeted)**
- **Add bike lanes to both sides of Harmony Drive (not budgeted at this time)**
- **Explore options at intersection of River Road and McNary Estates Drive to improve traffic flow.**

City Manager Eppley summarized some of the actions that had been taken by staff as part of the Gubser Neighborhood Traffic Plan. He provided a synopsis of the above recommendations and requested the Commission's input.

Chair Jackson suggested review of the double yellow stripe at 14th and Harmony. He believed the angle of the stripe encouraged traffic to flow onto Harmony from 14th. Also questioned was whether the option of a right or left turn only out of McNary Estates Drive would be reviewed.

City Manager Eppley noted that this was an option that could be reviewed.

Chair Jackson urged staff to approach the improvements on Trail and Harmony with caution as the improvements may cause an adverse effect.

City Manager Eppley agreed with these comments and noted the need to monitor the area once improvements were in place.

Karen Trucke, 6330 14th Avenue NE, Keizer- supplied a history of a resident on Manzanita who indicated he was told when the area was built out that the city told the residents that Manzanita would be closed.

Using his background with ODOT and quoting Federal studies Harlan Naegeli indicated that "No Through Traffic" signs would have zero impact.

David Dehlin complemented the submitted recommendations with the exception of the bike lanes.

City Manager Eppley thanked the Commission for their work and excused himself from the meeting.

Councilor Moir provided copies of a draft motion. She noted item C on her draft indicating she believed it was important to explore the options to improve traffic movement at the intersections of Manzanita and McNary Estates Drive and Wheatland and River Road. She introduced Councilor Walsh who had some further suggestions for the Commissions review.

Councilor Walsh expressed concerns with the suggestion of using signage to close streets because of the connotation it would leave. He suggested using a two-phase approach by adding the stop signs then if this didn't work to review the installation of the "No Through" and "No Turn" signs.

Sgt. Inman believed within a two-week period, with enforcement patrol, that the use of "No Left Turn" signs could reduce traffic up to 50-percent.

The Commission and Council members further discussed the issue of traffic.

Mrs. Trucke interjected her disapproval of "No Left Turns" as she believed it would basically move cut-through traffic further into the neighborhoods rather than pushing it back out onto River Road or Lockhaven. She referred to her memo that was presented to the Council at the work session of October 14, 2002.

Councilor Walsh continued to reason for support of his phase-in plan.

Chair Jackson agreed with Councilor Walsh's approach to a phase-in of the plan as presented by Councilor Walsh. The Commission, Council members and staff further discussed this option.

Karen Trucke urged the consideration of the removal of the "No Left Turn" for the evening commute at Mandarin and Harmony. She believed this signage would prohibit citizens in the area the access to their homes.

Speed and volume of traffic in the area, in addition to baselines for reports were also discussed and the following motion was made:

Joseph Ortiz moved a motion to concur with the staff's recommendation of the five stop signs listed in the memo minus the "No Left Turn" signs and for staff to provide traffic and speed counts to the Commission three months after the implementation of the stop signs. David Dehlin seconded the motion.

AYES: Dehlin, Jackson, Naegeli and Ortiz (4)

NAYES: None (0)

ABSENT: Lamb and Prothero (2)

ABSTENTIONS: None (0)

Councilor Moir indicated she would present the Commission's motion to staff and the City Council.

Chair Jackson urged the Council to take into consideration the need to have staff present during the Traffic Safety Commission meetings to assist the Commission and to answer the many questions received from the public that they felt unable to answer.

Councilor Moir noted that the Council had addressed this issue.

Golf Carts

Responding to questions from the Commission Councilor Moir indicated she had not received any response from the group who had appeared before the Commission regarding the golf cart issue.

11. ADJOURN

Chair Jackson adjourned the meeting at 9:05 p.m.



November 4, 2002

AGENDA ITEM 7b

**CHEMAWA ACTIVITY CENTER/KEIZER STATION PLAN – TEXT
AMENDMENT/COMPREHENSIVE PLAN CHANGE/ZONE CHANGE**

CASE NO. 01-50

To: Mayor Christopher and City Council

From: Maria Meier, Planning Director

Date: October 31, 2002

Re: Text Amendment/Comprehensive Plan Amendment/Zone Change
Case No. 01-50; Amendment to Chemawa Activity Center Plan –
Proposed Keizer Station Plan

On October 21, 2002, the City Council requested staff to prepare complete revised copies of the proposed Keizer Station Plan and corresponding text amendments to the Keizer Development Code and Comprehensive Plan. Please find attached copies of the following:

- Draft Keizer Station Plan as amended by Council.
- Draft text amendments to the Keizer Development Code as amended by Council.
- Preliminary Findings to the applicable Development Code criteria, Comprehensive Plan goals and policies, and Statewide Planning Goals.
- Labeled exhibits submitted to the record on October 21, 2002.

* This is the complete document for the City Council's consideration. Please accept this copy as your documentation for the SKAPAC process. To conserve resources, another copy will not be made for future SKAPAC or Council meetings unless necessary.

Staff recommends the City Council review the draft amendments and findings and advise staff of any necessary changes. Staff recommends the City Council adopt the preliminary draft Keizer Station Plan, text amendments, and findings on Text Amendment/Comprehensive Plan Amendment/Zone Change Case No. 01-50; Amendment to Chemawa Activity Center Plan – Proposed Keizer Station Plan and to direct staff to forward the documents to the SKAPAC Elected Official Committee.

KEIZER STATION PLAN

INTRODUCTION

Planning for this area began in 1987 when the Keizer Comprehensive Plan established the Chemawa Activity Center and McNary Activity Center. The first Chemawa Activity Center Plan was adopted in 1993, followed by amendments to the plan in 1995. The city amended the plan two years later and adopted the 1997 version of the Chemawa Activity Center Plan, which provides for development of a mixed-use area incorporating service commercial, industrial, housing, retail, office, and public uses. The activity center is divided into four areas (A through D) corresponding with specific sections on the north and south side of Chemawa Road and Lockhaven Drive.

~~The Pre-Development Agreement between the City of Keizer, the Urban Renewal Agency of the City of Keizer and Northwest National LLC sets forth requirements for the preparation of a Concept Design Plan for the Chemawa Activity Center. The intent of the Concept Design Plan is specified in Section 1.3 of the Pre-Development Agreement:~~

~~*"Concept Design Plans shall mean plans which illustrate the general number and location of buildings, improvements, and uses, and which illustrate the general design character of building sufficient to determine size and building style and utility and infrastructure needs."*~~

~~Prior to determining building types, size and location the Northwest National LLC Project Team evaluated the existing zoning of the Chemawa Activity Center Plan (1997) in light of anticipated uses. Suggested changes to the Comprehensive Plan and Zoning maps are recommended to be consistent with the types of uses based on anticipated market demand. The suggested changes to the zoning pattern are further supported by the economic analysis conducted by Hobson Ferrarini & Associates that indicates that there is a large shortfall of commercial land within Keizer. This analysis also indicates that the existing industrial land in Keizer is more than sufficient to meet the 20-year demand for industrial uses.~~

This plan also provides specific recommendations for development standards within the Keizer Station Plan area. Development standards design details for buildings and on-site improvements and uses are provided in the Keizer Development Code. ~~This step is consistent with Section 2.1 of the Pre-Development Agreement that indicates, in part:~~

~~"...amendments to both plans (Chemawa Activity Center Plan and Urban Renewal Plan) may include, but not necessarily be limited to, an expansion of the commercially zoned area with the Chemawa Activity Center area, as described in the Chemawa Activity Center Plan."~~

Based on this evaluation, this plan establishes ~~recommends establishing~~ five ~~four~~ specific areas within the Keizer Station Plan area (Figure 1):

- ~~Village Center~~ Area A – Village Center/Entertainment and Sports Center
- ~~Retail Service Center~~ Area B – Retail Service Center
- ~~Keizer Station Center~~ Area C – Keizer Station Center
- ~~Commerce Center~~ Area D – Commerce Center
- ~~Entertainment and Sports Center~~

FIGURE 1: SUBAREAS

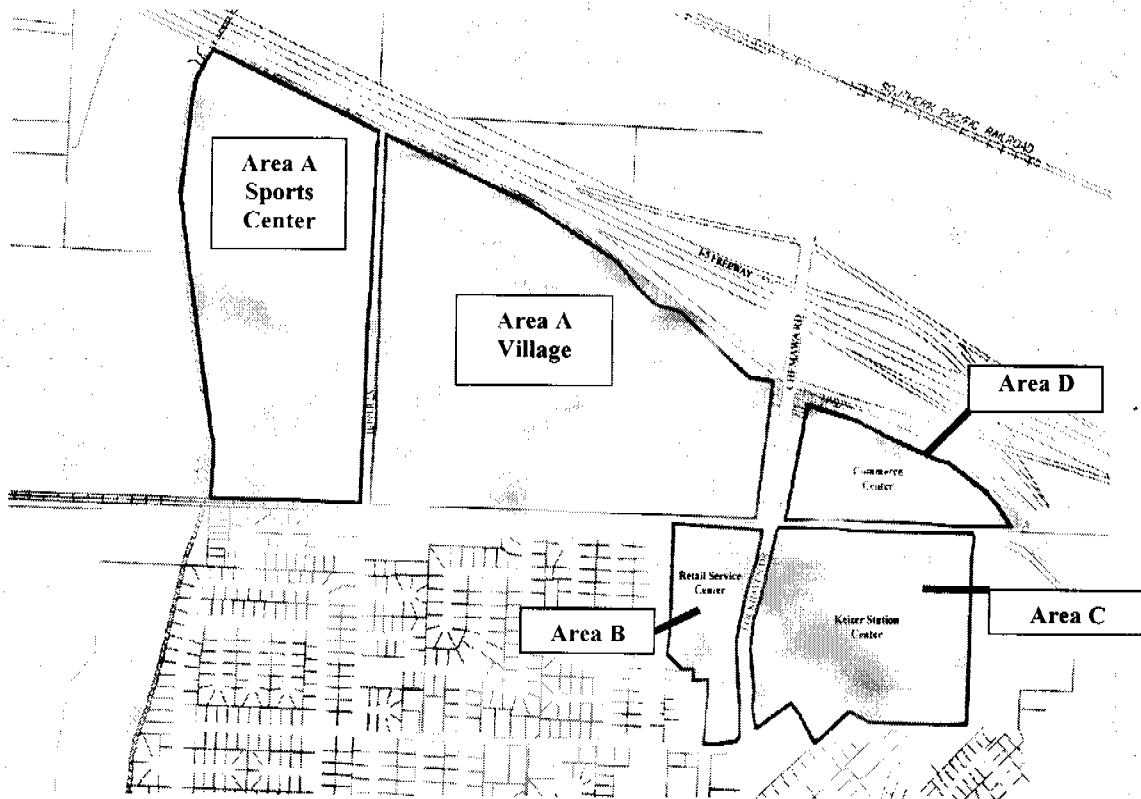


FIGURE ONE

KEIZER STATION PLAN -

SUBAREAS
SEPTEMBER 2001



ANKROM MOISAN
ASSOCIATED ARCHITECTS



The Keizer Station Plan is intended to build on the objectives that were previously used to guide the preparation of the Chemawa Activity Center Plan:

- Establish a northern gateway into the Salem/Keizer area;
- Provide an opportunity for multi-modal transportation options;
- Provide the opportunity to live, work and shop in close proximity to the Center;
- Provide an additional focal point for commerce and community activities;
- Enhance economic activity within the community without threatening the economic health and redevelopment activities along the River Road and Cherry Avenue corridors;
- Provide an appropriate site for community facilities;
- Offer a source of employment, particularly family wage jobs; and
- Be a Source of Pride.

~~We believe that the approach taken in this plan will fully meet these objectives and will result in an opportunity to realize the vision of an Activity Center at this location.~~

~~In addition to the recommendations regarding the Comprehensive Plan and Zoning maps, an assessment of transportation operations (both under existing and proposed zoning), an economic analysis documenting the need for commercial and industrial land in the city, and an analysis of public infrastructure needs is provided.~~

KEIZER STATION PLAN LAND USE AND ZONING

~~The proposed changes to the zoning pattern will result in a more logical balance of land use types, which provides a variety of employment opportunities at this location. The Plan proposal takes advantage of the access and visibility of the Keizer Station Plan area and is designed to allow flexibility with applicable development standards. The proposal Plan land use designations, which are shown in Figure 2, include:~~

- Area A – Industrial General, Campus Light Industrial , and Special Planning District
- Area B – Commercial and Low Density Residential
- Area C - Mixed Use and Commercial
- Area D – Campus Light Industrial

The Plan also features a new zoning district called Employment General (EG) that develops standards to promote a an employment center with a mixed development pattern ~~with of~~ industrial and commercial uses, ~~to serve as an employment center within the City.~~ **Attachment A** ~~presents staff's recommendation for the proposed EG zone includes text amendments to create the EG Zone. Other amendments are also recommended to various sections of the Development Code and are attached as The Keizer Development Code amendments that are necessary to implement the Keizer Station Plan are provided in~~ **Attachments A through J.**

Based on the suggested changes to the Zoning Map (Figure 2--3) the following approximate totals for the Keizer Station Plan area by zoning district results:

Zoning District	Existing Acres	Proposed Acres	Change/Acres
Industrial Business Park (IBP)	122.1	52.2	-69.9
General Industrial	0	30.8	+30.8
Commercial Mixed Use (CM)	19	11.4	-7.6
Mixed Use (MU)	36	34.5	-1.5
Public (P)	34.9	0	-34.9
Commercial Office (CO)	12.5	0	-12.5
Commercial Retail (CR)	0	1.5	+1.5
Single Family Residential (RS)	0	1.1	+1.1
Employment General (EG)	0	93	+93
Total Approximate Acres	224.5	224.5	

**The above listed acreage is based upon data from the Marion County Assessor's Office, October 31, 2002.*

The existing and proposed zoning is further described for the ~~five~~ four areas of the Keizer Station Plan as follows in approximate acreage:

Village Center Area A - Village Center

<u>Zoning</u>	<u>Existing Acres</u>	<u>Proposed Acres</u>
Employment General (EG)	0	93
Industrial General (IG)	0	2
Industrial Business Park (IBP)	84	0
Commercial Mixed (CM)	11	0

Entertainment and Sports Center Area A - Entertainment & Sports Center

<u>Zoning</u>	<u>Existing Acres</u>	<u>Proposed Acres</u>
<u>Industrial Business Park</u>	<u>Including BPA 38.1</u>	<u>Including Ball Park 37.2</u>
<u>(IBP)</u>	<u>Not Including BPA 16.3</u>	<u>Not Including Ball Park 16.6</u>
<u>General Industrial (IG)</u>	<u>0</u>	<u>Including BPA 28.8</u>
		<u>Not Including BPA 7.0</u>
<u>Public (P)</u>	<u>27.9</u>	<u>0</u>

(BPA = Bonneville Power Administration)

Retail Service Center Area B - Retail Service Center

<u>Zoning</u>	<u>Existing Acres</u>	<u>Proposed Acres</u>
<u>Commercial Mixed Use (CM)</u>	<u>0</u>	<u>11.4</u>
<u>Single Family Residential (RS)</u>	<u>0</u>	<u>1.1</u>
<u>Commercial Office (CO)</u>	<u>12.5</u>	<u>0</u>

Keizer Station Center Area C - Keizer Station Center

<u>Zoning</u>	<u>Existing Acres</u>	<u>Proposed Acres</u>
<u>Mixed Use (MU)</u>	<u>36</u>	<u>34.5</u>
<u>Commercial Retail (CR)</u>	<u>0</u>	<u>1.5</u>

Commerce Center Area D - Commerce Center

<u>Zoning</u>	<u>Existing Acres</u>	<u>Proposed Acres</u>
<u>Industrial Business Park (IBP)</u>	<u>0</u>	<u>15.0</u>
<u>Commercial Mixed-Use (CM)</u>	<u>8.0</u>	<u>0</u>
<u>Public (P)</u>	<u>7.0</u>	<u>0</u>

*The above listed acreage is based upon data from the Marion County Assessor's Office

FIGURE 2: ZONING MAP

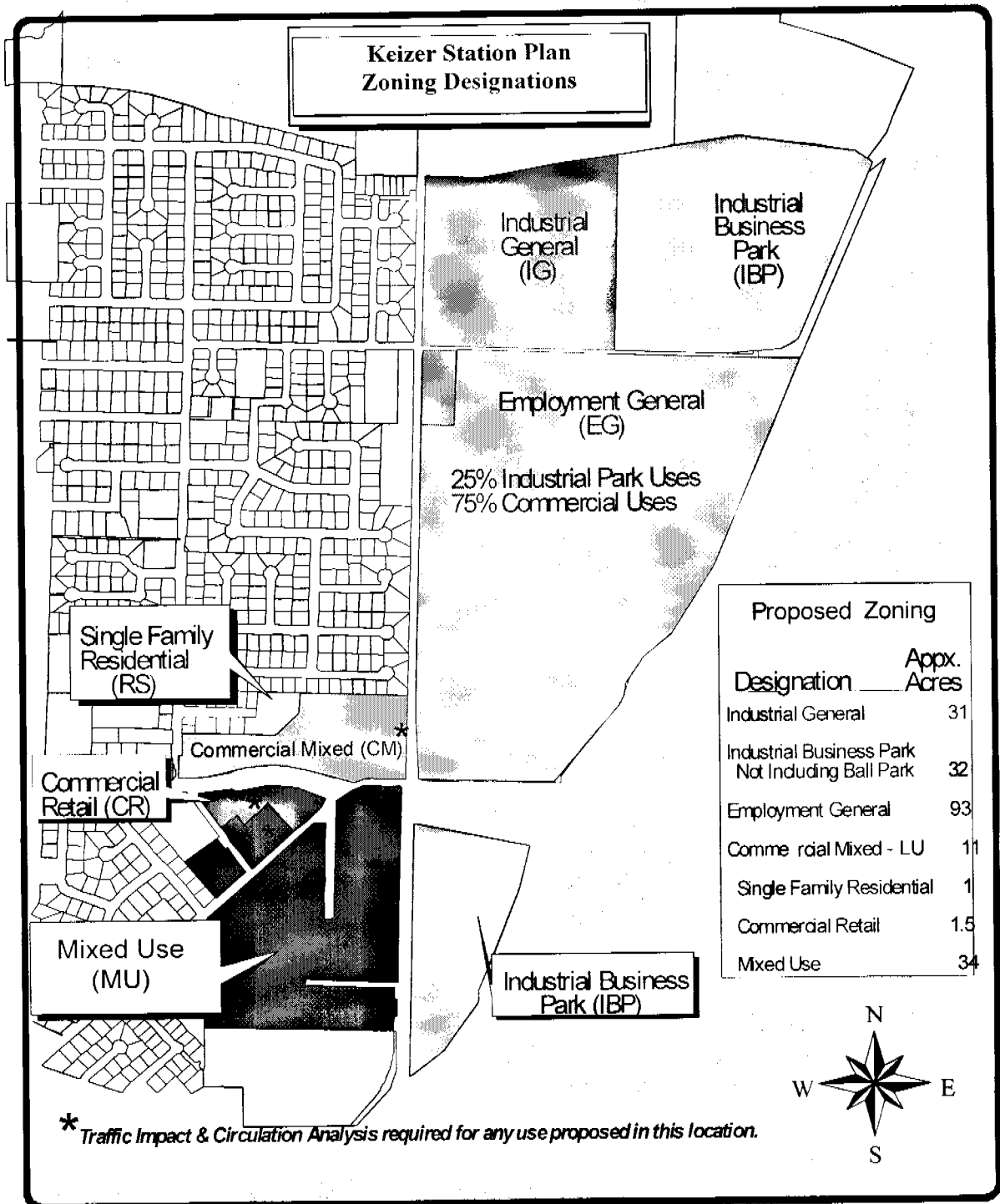
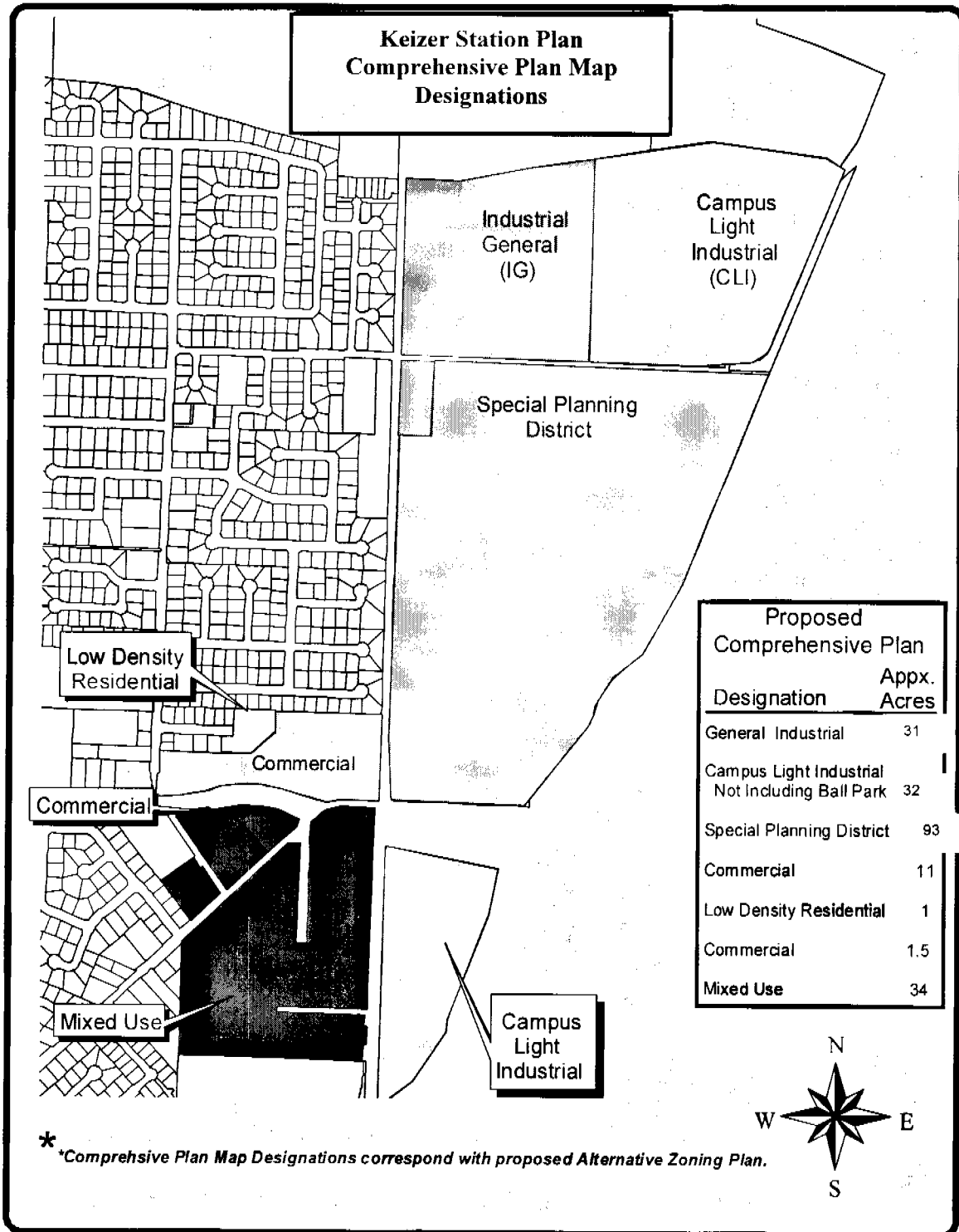


Figure 3: Comprehensive Plan Map Land Use Designations



SITE CHARACTERISTICS

One factor that will influence future development in the Keizer Station Plan area is the site's physical constraints. These constraints will shape where future development and infrastructure will be located and include:

- Utility easements, including the BPA and PGE powerline easements and facilities;
- ODOT access easements; and
- Rail right-of-way.

~~These areas are shown on Figure 3 and will need to be considered as the Keizer Station area develops.~~

KEIZER STATION PLAN AREAS AND DESIGN GUIDELINES

The Keizer Station Plan has evaluated each of the ~~five~~ four areas from a development, urban design, transportation and public facilities perspective. Based on this evaluation, this Plan recommends a number of specific design guidelines and identifies development issues that will need to be addressed as development occurs in each area. The following section provides the specific area descriptions, design guidelines and issues that will guide future development ~~in~~ for each of the following areas:

- ~~Village Center~~ Area A – Village Center/Entertainment and Sports Center
- ~~Retail Service Center~~ Area B – Retail Service Center
- ~~Keizer Station Area~~ Area C – Keizer Station Center
- ~~Commerce Center~~ Area D – Commerce Center
- ~~Entertainment and Sports Center~~

A limitation to the total floor area, as defined in the Keizer Development Code (KDC), for retail uses is required within the Keizer Station Plan. Each area is limited with a specific amount of floor area for retail uses. The retail use restrictions are also specified in the Keizer Development Code under each applicable zone. The areas are restricted to the following amount of square footage for retail uses as follows:

<u>Areas</u>	<u>Square Footage Limitation for Retail Uses</u>
<u>Area A – Village Center</u>	<u>800,000 sq. ft.</u>
<u>Area A – Entertainment & Sports Center</u>	<u>15,000 sq. ft.</u>
<u>Area B – Retail Service Center</u>	<u>25,000 sq. ft.</u>
<u>Area C – Keizer Station Center</u>	<u>65,000 sq. ft.</u>
<u>Area D – Commerce Center</u>	<u>70,000 sq. ft.</u>

KEIZER STATION PLAN IMPLEMENTATION PROCEDURES

Land Use Review Procedures

This Plan calls for the development of Master Plans for each of the ~~five~~ four areas, with exception to Area C (only required for development of two or more lots/parcels). The Master Plans are to be reviewed and approved through a Type II-B review process in accordance with the Keizer Station Plan design guidelines. These Master Plans are to be publicly or privately prepared representing the actual intent of the developer or developers for a given area. It is recognized that the applicant of the master plan for an area may not own or control all the land within the master plan boundary. However, to properly plan development and provision of public facilities and services, ~~The~~ master plan shall still cover all the area. Individual areas may determine a requirement for a minimum portion of ownership requirement prior to master plan approval. For those portions not owned or controlled by an applicant, the Master Plan shall focus on a cohesive interconnected system of planned public facilities and shall set general design guidelines to be used throughout the Master Plan area. Subdivision approval shall be based upon the zone and Section 3.108 as applicable.

The Master Plans will be developed and considered in accordance with the requirements of the Activity Center Overlay provisions (KDC Section 2.125 of the Keizer Development Code). Individual areas may require a detailed transportation system design plan as a requirement of Master Plan approval. Once a Master Plan is adopted, individual buildings and uses must receive ~~Development Review~~ building permit approval. As part of the building permit process the proposal will be evaluated ~~against~~ for compliance with the adopted Master Plan, zone standards, and applicable design standards as referenced in the Keizer Development Code. In the case of conflicts between the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards will apply.

- ◆ In order to establish the Type II B procedures, Section 3.101.02 of the Keizer Development Code is amended.
- * **See Text Amendments for Summary of Application Types – KDC Section 3.101. Attachment B.**
- ◆ In order to establish the criteria for Type II B review, a newly developed KDC Section 3.113 shall be created.

- * **See Text Amendments for Keizer Station Master Plan Review – Newly Created Section 3.113 of the Code. Attachment C.**

Transportation Review Procedures

~~The~~ Beginning with the adoption of the Chemawa Activity Center Plan (1997) adopted a transportation level-of-service standard for future traffic operations at the signalized intersections on Lockhaven Drive and Chemawa Road between River Road and the eastern I-5 ramp. This level-of-service standard (volume to capacity (V/C) ratio of 0.87) is included in Keizer's Transportation System Plan (TSP) as well. Traffic operations are a critical element of the future implementation of the Keizer Station Plan. Therefore, the Keizer Station Plan includes the 0.87 V/C ratio as adopted in the Chemawa Activity Center Plan. Specifically, the Keizer Station Plan includes the following level of service standard / policy for the evaluation of future development in the plan area:

~~The transportation requirements of the Keizer Station Plan include an underpass of Chemawa Road. The underpass is an important element of the overall transportation system needed to provide safe access to and from the developing areas of the Keizer Station Plan. Provisions for construction of the underpass shall be in place so as to not allow the intersection of Radiant Drive with Chemawa Road to fall below a volume to capacity (v/c) ratio of 0.87 as calculated by the critical movement analysis methodology as development occurs.~~ The transportation requirements of the Keizer Station Plan may include an underpass of Chemawa Road. The underpass is one of several optional elements of the overall transportation system needed to provide safe access to and from the developing areas of the Keizer Station Plan. Provisions for construction of the underpass and/or other improvements shall be in place so as to not allow the intersection of Radiant Drive with Chemawa Road to fall below a volume to capacity (v/c) ratio of .87 as calculated by the critical movement analysis methodology as development occurs.

The Chemawa Activity Center provided for widening of off-ramps at the Chemawa Road Interchange. It is the recommendation of the Department of Public Works that the off-ramp improvements, if necessary, be constructed as a regional improvement to the I-5 Interchange. Funding shall be provided by all parties benefiting from the improvements (i.e. City of Salem, Marion County, ODOT and the City of Keizer.)

Street right of way dedications and street vacations will be required. Prior to development, an overall preliminary plan shall be submitted for review and approval by the Department of Public Works indicating the location of all proposed public and private streets to be dedicated and vacated. All new public streets shall be constructed to the requirements of the City of Keizer Department of Public Works Design and Construction Standards in place at the time of development. During the master planning process, circulation to and within the Keizer Station Plan shall be addressed to promote pedestrian and bicycle access to the site from all surrounding areas.

Utility Review Procedures

General:

- A. A street lighting master plan shall be developed during the "Concept Design Plan" phase of development of the subject property. A street lighting district shall be created while under the control of the developer to provide for adequate streetlights along the frontage of all new street rights of way. Decorative lighting shall be used.
- B. Construction permits are required by the Department of Public Works prior to any public facility construction. Contact the City Engineer's office at 390-7402 for the necessary permit information that is required.
- C. A Pre-design meeting with the City of Keizer Department of Public Works will be required prior to the Developer's Engineer submitting plans to either the city of Keizer or the City of Salem for review.
- D. Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.

Sanitary Sewer:

A portion of the Keizer Station Plan is located within the original Keizer Sewer District and a portion is located outside of the original district. ~~The d~~Developers will construction the sewer trunk line and pay an acreage fee for the property outside of the original district.

- A. Prior to development of the subject property, a master sewer plan for the proposed development shall be submitted to the Department of Public Works for review and approval. The entire project shall be served by an existing 18-inch trunk sewer located adjacent to Keizer Stadium.
- B. City of Salem approval for both sewer trunk lines and local sewers are required. Permits from the City of Salem are issued prior to construction. Prior to submitting plans to the City of Salem for approval, the developer's engineer shall submit plans to the City of Keizer for review and determination of compliance with the City's Master Sewer Plan for the area.
- C. Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property.
- D. Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways.
- E. It will be the responsibility of the developer's engineer to locate any existing wells (including those on adjacent property) in the vicinity of the proposed new sanitary sewer lines for the subject property. Any conflicts between existing wells and proposed sanitary sewers shall be addressed by the developer prior to issuance of public works construction permits.

Domestic Water:

- A. A master water system plan showing proposed routes of public water mains, fire hydrants and individual services shall be prepared prior to submission of construction plans for the development. Location of all meters shall be approved by the Keizer Department of Public Works. To provide for adequate peak consumption and fire protection requirements it is anticipated that new public wells and storage facilities will be required. Appropriate easements for all public water mains and fire hydrants will be required if construction is to be outside of public right of ways. Dedication of property to the City shall be required for any wells or storage facilities developed. Any system development charges for water system improvements will be those in place at the time of individual service connections.

- B. Final development plans shall be reviewed by the Keizer Fire Department with regard to access and adequate location of fire hydrants prior to any issuance of public works construction permits by the City of Keizer.
- C. Existing wells on the subject property are to be located by the developer and reviewed by the Keizer Department of Public Works to determine if existing water rights can be transferred to municipal use. If so, the developer shall make the transfer at the request of the City. The City will be responsible for any fees charged by the State of Oregon associated with the transfer. If the wells cannot be incorporated into the city system, the developer shall abandon them in accordance with the rules of the Oregon State Water Resources Department.

Storm Sewer:

- A. Development plans will require an evaluation of the present drainage patterns and runoff characteristics. The property is within a critical drainage basin and strict compliance with city ordinances will be necessary. No increase in runoff will be allowed as development occurs. Prior to development an overall storm water master plan shall be submitted for review and approval by the Department of Public Works.
- B. Storm water detention will be required. All storm water and roof drains shall be connected to an approved system designed to provide adequate drainage for the proposed new driveways and other impervious surfaces.
- C. A grading and drainage plan shall be prepared and submitted for review and approval by the Department of Public Works. Details shall include adequate conveyance of storm water from adjacent property across the subject property.
- D. Section V of the Keizer Station Plan provides a detailed description of the various drainage basins within the Keizer Station Plan area. In all cases, storm water detention and treatment will be required to the standards in place at the time of development
- E. It is anticipated that the property will develop in phases. Prior to development, a phasing plan shall be submitted for review and approval by the Department of

Public Works to indicate how the storm water system will be developed to provide service to each area.

KEIZER STATION VILLAGE CENTER Area A – Village Center

I. PURPOSE AND OBJECTIVES

- A. **Purpose:** The Village Center (95 acres) portion of Area A is the heart of the Keizer Station Plan. The Village Center will provide the opportunity to establish a true activity center that will focus on offering a variety of commercial activities such as specialty retail stores, hospitality services, theaters and larger retail uses. In order to achieve the necessary mix of uses and design environment to create the Village Center, this plan sets forth a series of objectives for new development to accomplish.

Key issues that will need to be considered as ~~the Village Center~~ Area A – Village Center develops include:

- ~~Location and design of Radiant Drive~~ transportation facilities.
- ~~Location and design of Radiant Loop Road.~~
- Traffic operations at the Chemawa Interchange.
- Physical constraints (e.g. power lines, utility easements, rail right-of-way) that will influence the amount of buildable land and building locations; and
- Phasing of development.

- B. **Objectives:** Development in ~~the Village Center~~ Area A – Village Center will be focused on achieving the following objectives:

- Provide a Northern Gateway to Keizer
- Develop a Variety of Employment Opportunities
- Create a Focal Point for Commerce and Community Activities
- Establish a Place for Multiple Activities
- Provide a Gateway to Entertainment and Sports Activities; and
- Be a Source of Employment Opportunities

- C. **Base Zones:** In order to achieve the ~~Village Center~~ Development Objectives for Area A – Village Center, the Special Planning District Comprehensive Plan designation for shall apply to the property within the Village Center shall be Special Planning District. Property within ~~the Village Center~~ this area shall be zoned as follows:

Zoning	Acres
Employment General (EG)	93.0
Industrial General (IG)	2.0
- Existing Substation	

II. ~~VILLAGE CENTER~~ AREA A – VILLAGE CENTER DESIGN STANDARDS

In addition to the development standards of the underlying zone, Employment General (EG) – Section 2.119, future development within ~~the Village Center~~ Area A – Village shall comply with the following design standards:

- A. **Development Standards:** KDC Section 2.315 *Development Standards* requires all new commercial, industrial and multi-family development to apply for Development Review and to comply with standards identified in KDC Section 2.315.08. The development standards embodied in the ordinance are administratively reviewed at the time of a building permit. Compliance to the standards is a condition of building permit approval. These standards are intended to be objective and to serve as a guide to designers of developments. Any alternative proposal to the design standards shall be reviewed by the Planning Commission.

* **See Attachment D; Development Standards – KDC Section 3.315 for reference.**

- B. **Additional Design Standards:** Development throughout ~~the Village Center~~ Area A – Village Center will be controlled by a set of design standards aimed at establishing an environment that promotes a coordinated approach to developing the entire 95 acres. The intent is to establish design standards in addition to the standards identified in KDC Section 2.315 that will guide future development in a manner that will achieve the development objectives for ~~the Village Center~~ Area A – Village Center. In addition to the development standards in the EG zone –

KDC Section 2.119 and Development Standards – KDC Section 2.315, the following Design Standards shall apply to new development in the ~~Village Center~~ Area A – Village Center area:

1. **Gateway.** In order to achieve the objective of making the ~~Village Center~~ Area A – Village a gateway to Keizer, a gateway feature visible from I-5 shall be provided.
2. **Weather protection.** Weather protection for pedestrians, such as awnings, canopies and arcades, shall be provided at building entrance(s). Weather protection is encouraged along building frontages abutting a public sidewalk or a hard-surfaced expansion of a sidewalk, and along building frontages between a building entrance and a public street or accessway.

* **See ~~Text Amendments for the~~ Employment General (EG) zone – Newly Created KDC Section 2.110. Attachment A.**

III. ~~VILLAGE CENTER~~ AREA A – VILLAGE CENTER TRANSPORTATION SYSTEM

The extension of Radiant Drive through the ~~Village Center~~ Area A – Village is a key element, not only to the transportation system, but to the visual quality of the center. Accordingly, the following design features shall apply to Radiant Drive:

- A. **Streetscape.** Radiant Drive is relocated to bisect the ~~Village Center~~ Area A – Village Center and will provide a landscaped entry into the commercial activities as well as providing a direct connection into the ~~Entertainment and Sports Center~~ Area A – Village Center. The design of Radiant Drive and internal streets shall include landscape features as approved by the City Council ~~depicted on Figure 4.~~ Landscaping and streetscaping provisions identified in KDC Section 2.119, Attachment A.
- B. **Access.** Access from Radiant Drive to adjoining property shall be controlled. At a minimum, spacing between full access points shall be located no less than 600 feet apart. Limited access points (e.g. right-in/right-out) may be permitted based upon an assessment of traffic operations, including the proximity to existing access points, and the need to address internal circulation needs.

C. Pedestrian circulation:

1. The on-site pedestrian circulation system shall be continuous, connecting the ground-level entrances of primary structure(s) to the following:
 - a. Streets abutting the site;
 - b. Parking areas;
 - c. Shared open spaces and play areas;
 - d. Abutting transit stops;
 - e. Any pedestrian amenity such as plazas, resting areas and viewpoints; and
 - d. Adjacent buildings.
2. There shall be at least one pedestrian connection to an abutting street frontage for each 300 linear feet of street frontage.

IV. UTILITIES

In addition to the development standards of Utility Lines and Facilities – Section 2.307 the following standard shall apply to new utilities:

- A. All utilities located adjacent to Radiant Drive and ~~Radiant Loop~~ and connecting transportation facilities shall be located underground.
- B. All other new utility connections and lines shall be located underground where practicable.

V. PARKING

Parking standards for the ~~Village Center~~ Area A – Village Center shall follow the standards located in the corresponding base zone as well as Off-Street parking and Loading – Section 2.302. In addition to these standards, the following shall also apply:

- A. Location of parking – If the building is located within 20 feet of property lines adjacent to Radiant Drive, there shall be no parking or maneuvering between the building and the street right-of-way.

VI. LANDSCAPE

In addition to the development standards of Site and Landscape Design – Section 2.309 the following standards shall apply:

- A. A coordinated landscape plan shall be provided for the frontage portion of the Village Center along I-5 with the request for master plan approval.
- B. Restriction on Tree Removal. From the date of adoption of this ordinance, no trees shall be removed from any property within Area A- Village Center without approval from the City. The City recognizes that factors such as disease and safety concerns or other practical considerations may require the approval to remove such trees. The City otherwise may determine existing trees to remain on the property.
 1. Upon application for master plan approval, the applicant shall submit a tree inventory of all existing trees and trees removed since the date of this ordinance.

ENTERTAINMENT AND SPORTS CENTER Area A – Sports & Entertainment Center

I. PURPOSE AND OBJECTIVES

- A. **Purpose:** ~~The Entertainment and Sports Center~~ Area A – Sports Center (71 Total 66 acres – See page 6 for details) is the location of the Keizer Stadium as well as the potential location for a variety of entertainment, recreation and sports-related facilities. A portion of this area is devoted to existing industrial uses – a power substation. ~~The Entertainment and Sports Center Area A – Sports Center~~ will be accessed via the extension of Radiant Drive through the ~~Village Center Area A - Village~~. Key issues that will need to be considered as ~~the Entertainment and Sports Area~~ Area A – Sports Center develops include:

- Location and design of Radiant Drive;
- Physical constraints that will influence the amount of buildable land and building locations;
- Phasing of development;
- Coordination with Keizer Stadium activities; and
- Relationship to Lake Labish restoration improvements.

B. **Objectives:** Development in ~~the Entertainment and Sports Area Center~~ Area A – Sports will be focused on achieving the following objectives:

- Providing development opportunities for recreation facilities while addressing building constraints;
- Creating a recreation and community center; and
- Providing compatible uses to the existing power transmission center.

B. **Base Zone:** In order to achieve the ~~Entertainment and Sports Area Center~~ Area A – Sports Development Objectives, the Comprehensive Plan designation for property within ~~the Entertainment and Sports Center~~ Area A – Sports shall be Campus Light Industrial and General Industrial. Property within the Entertainment and Sports Center shall be zoned as follows:

Zoning	Acres
Industrial Business Park (IBP)	37.2
General Industrial (IG)	28.8

II. ~~ENTERTAINMENT AND SPORTS CENTER~~ AREA A – SPORTS CENTER DESIGN STANDARDS

In addition to the development standards of the underlying zone, Industrial Business Park—Section 2.113 future development within ~~the Entertainment and Sports Center~~ Area A – Sports Center shall comply with the following design standards:

A. **Permitted Uses:** All permitted uses listed in the corresponding base zones are allowed in ~~the Entertainment and Sports Center area~~ Area A – Sports.

B. **Development Standards:** In addition to the development standards in the underlying base zones, the following design standards shall apply:

1. The requirement in Industrial Business Park Section 2.113.05 H (Lot Coverage) for 20 percent of the gross area of a lot in the IBP district is ~~reduced to 10 percent for~~ shall also apply to the Entertainment and Sports Center Area A – Sports Center.

2. The requirement in General Industrial Section 2.114.05 B is amended to allow an additional one foot of height for every five feet of setback from residential areas in ~~the Entertainment and Sports Center Area A – Sports Center.~~

III. ~~ENTERTAINMENT AND SPORTS CENTER~~ AREA A – SPORTS TRANSPORTATION SYSTEM

The extension of Radiant Drive into ~~the Entertainment and Sports Center~~ Area A - Sports Center is a key element, not only to the transportation system, but also to the visual quality of the center. Accordingly, the following design features shall apply to Radiant Drive:

- A. Radiant Drive is relocated to bisect ~~the Village Center~~ Area A – Village Center and will provide a landscaped entry into the commercial activities as well as providing a direct connection into the Entertainment and Sports Center.
- B. Access from Radiant Drive to adjoining property shall be controlled. At a minimum, spacing between full access points shall be located no less than 600 feet apart. Limited access points (e.g. right-in/right-out) may be permitted based upon an assessment of traffic operations, including the proximity to existing access points, and the need to address internal circulation needs.
- C. **Pedestrian circulation:**
 1. The on-site pedestrian circulation system shall be continuous, connecting the ground-level entrances of primary structure(s) to the following:
 - a. Streets abutting the site;
 - b. Parking areas;
 - c. Shared open space and play areas; and
 - d. Abutting transit stops;
 - e. Any pedestrian amenity such as plazas, resting areas and viewpoints; and
 - f. Adjacent buildings.
 2. There shall be at least one pedestrian connection to an abutting street frontage for each 300 linear feet of street frontage.

IV. LANDSCAPE

In addition to the development standards of Site and Landscape Design – KDC Section 2.309 the following standard shall apply:

- A. A coordinated landscape plan shall be provided for the frontage portion of the Entertainment and Sports Center along I-5 with the request for master plan approval.
- B. Restriction on Tree Removal. From the date of adoption of this ordinance, no trees shall be removed from any property within Area A- Village without approval from the City. The City recognizes that factors such as disease and safety concerns or other practical considerations may require the approval to remove such trees. The City otherwise may determine existing trees to remain on the property.
 1. Upon application for master plan approval, the applicant shall submit a tree inventory of all existing trees and trees removed since the date of this ordinance.

RETAIL SERVICE CENTER AREA B – RETAIL SERVICE CENTER

I. PURPOSE AND OBJECTIVES

- A. **Purpose.** ~~The Retail Service Center~~ Area B – Retail Service Center (12.5 acres) is envisioned to offer community supporting retail services such as a food store, personal services and specialty retail. In addition, the plan proposes the completion of Dennis Ray Avenue to complete the residential neighborhood nearby. Key issues that will need to be considered as ~~the Retail Service Center~~ Area B develops include:

- Site access;
- Buffering between adjacent residential areas; and
- Traffic operations on Lockhaven.

B. **Objectives:** Development in ~~the Retail Service Center~~ Area B will be focused on achieving the following objectives:

- Complete residential neighborhood on Dennis Ray Avenue and provide a pedestrian and bicycle connection to nearby commercial activities;
- Provide convenient retail opportunities for nearby residential areas;
- Create a landscape buffer along the northern edge of the site; and
- Protect traffic operations on Lockhaven Drive and McLeod Lane.

C. **Base Zones:** In order to achieve ~~the Retail Service Center~~ Area B Development Objectives, the Comprehensive Plan designation for property within the ~~Retail Service Center~~ Area B shall be Low Density Residential for those properties zoned Single Family Residential and Commercial for the property zoned Commercial Mixed Limited Use (CM-LU). Property within ~~the Retail Service Center~~ Area B shall be zoned as follows:

Zoning	Acres
Commercial Mixed Use (CM-LU)	11.4
Single Family Residential (RS)	1.1

II. ~~RETAIL SERVICE CENTER~~ Area B STANDARDS

A. **Permitted Uses:** All permitted uses listed in the corresponding base zones are allowed in ~~the Retail Service Center~~ Area B. In addition, the Commercial Mixed (CM) zone provides limitations to vehicular intensive uses from this area.

B. **Development Standards:** KDC Section 2.315 *Development Standards* requires all new commercial and multi-family development to apply for Development Review and to comply with standards identified in Section 2.315.08. The development standards embodied in the ordinance are administratively reviewed at the time of a building permit. Compliance to the standards is a condition of building permit approval. These standards are intended to be objective and to serve as a guide to designers of developments. Any alternative proposal to the design standards shall be reviewed by the Planning Commission.

- ~~See Text Amendments in the~~ **Commercial Mixed (CM) zone – KDC Section 2.110. Attachment E.**

III. ~~RETAIL SERVICE CENTER~~ AREA B TRANSPORTATION SYSTEM

Traffic operations on Lockhaven Drive are an important design issue as ~~the Retail Service Center Area B~~ develops. Careful consideration of the location of access points to Lockhaven Drive and McLeod to the site will need to occur. Based on initial traffic assessments for the Keizer Station Activity Center Plan, the following traffic-related elements shall be a part of future development of ~~the Retail Service Center~~ Area B:

- A. **Access to Lockhaven Drive.** Access will be via a single access point forming the northern leg of the Lockhaven Drive and Chemawa intersection. Additional or alternative access will only be allowed when it is demonstrated to the approval of the City Traffic Engineer that it can be designed so as to have minimal impacts on the safe and efficient flow of traffic on Lockhaven Drive.
- B. **Access to McLeod.** Access may be provided via a single access point located as far north as possible. No automobile access shall be allowed to Dennis Ray Avenue. At the City Traffic Engineer's discretion, this driveway may be limited to right-in/right-out depending on anticipated traffic flows.
- C. **Pedestrian Connectivity.** A pedestrian/bicycle connection to ~~the Retail Service Center Area B~~ shall be provided at Dennis Ray Avenue. The circulation system shall include provisions to provide pedestrian and bicycle connections to the overall Keizer Station Activity Center area from Area B and to Dennis Ray Avenue.
- D. **Internal Circulation.** This is provided to allow internal circulation and avoid the need to use Lockhaven Drive for vehicle trips within ~~the Retail Service Center~~ Area B.
- E. **Pedestrian circulation:**
 1. The on-site pedestrian circulation system shall be continuous, connecting the ground-level entrances of primary structure(s) to the following:
 - a. Streets abutting the site;
 - b. Parking areas;

- c. Abutting transit stops; and
 - d. Adjacent buildings.
2. There shall be at least one pedestrian connection to an abutting street frontage for each 300 linear feet of street frontage.

IV. UTILITIES

In addition to the development standards of Utility Lines and Facilities – Section 2.307 the following standard shall apply to new utilities:

- A. All new utility connections and lines shall be located underground.

V. LANDSCAPE

In addition to the development standards of Site and Landscape Design – Section 2.309 the following standard shall apply:

- A. A coordinated landscape plan, including the use of trees, shall be provided for the frontage portion of ~~the Retail Service Center~~ Area B along Lockhaven Drive and McLeod with the request for master plan approval.

- C. Restriction on Tree Removal. From the date of adoption of this ordinance, no trees shall be removed from any property within Area A- Village without approval from the City. The City recognizes that factors such as disease and safety concerns or other practical considerations may require the approval to remove such trees. The City otherwise may determine existing trees to remain on the property.

1. Upon application for master plan approval, the applicant shall submit a tree inventory of all existing trees and trees removed since the date of this ordinance.

KEIZER STATION CENTER AREA C – KEIZER STATION CENTER

I. PURPOSE AND OBJECTIVES

A. **Purpose.** The Area C (36 acres) is intended to allow for a mix of uses, both residential and commercial as well as opportunities for connection to public transit. Key issues that will need to be considered as the Keizer Station Center area develops include:

- Traffic operations on Lockhaven and Chemawa, especially at the intersection;
- Appropriate mix of uses;
- Compatibility with existing residential development; and
- Location and operation of future Commuter Rail Transit Station.

B. **Objectives:** Development in the Keizer Station Center area will be focused on achieving the following objectives:

- Compatibility with existing residential development;
- Mix of uses that support transit development; and
- Preserving opportunities to support a future Commuter Rail Transit Station.

D. **Base Zones:** In order to achieve the Keizer Station Plan Development Objectives, the Comprehensive Plan designation for property within the Keizer Station Center area shall be Mixed Use and Commercial. Property within the Keizer Station Center area shall be zoned as follows:

Zoning	Acres
Mixed Use (MU)	34.5
Commercial Retail (CR)	1.5

II. ~~KEIZER STATION CENTER~~ AREA C STANDARDS

A. **Permitted Uses:** All permitted uses listed in the corresponding base zones are allowed in the Keizer Station Center. ~~The Mixed Use zone is amended to require the property within the Keizer Station Center to be built with a ratio of a minimum 75% high-density residential development and 25% commercial~~

~~development.~~ In addition to the permitted uses, a Transit Station is allowed as a Special Permitted Use in the Mixed Use zone. Section 2.4 of the Keizer Development Code is amended to add the following Supplemental Standards for a Transit Station:

- * ~~See Text Amendments in the~~ **Mixed Use (MU) zone – KDC Section 2.107. Attachment F.**

The potential location of the Commuter Rail Transit Center in the Keizer Station Center is shown on Figure 3.

- * ~~See Text Amendments in Newly Proposed~~ **KDC Section 2.429, Special Use Section for a Transit Station. Attachment G.**

B. **Development Standards:** In addition to the development standards in the underlying base zones, Mixed Use – KDC Section 2.107 and Commercial Retail – KDC Section 2.109, the following design standard shall apply to CR zoned properties within the Keizer Station Center area:

1. **Building orientation:** Buildings located within the Commercial Retail area shall have the building's primary entrance oriented to Lockhaven.

III. ~~KEIZER STATION CENTER~~ AREA C TRANSPORTATION SYSTEM

Traffic operations on Lockhaven Drive are an important design issue as the Keizer Station Center area develops. Careful consideration of the location of access points to Lockhaven Drive, McLeod and Chemawa will need to occur. Based on initial traffic assessments for the overall Keizer Station Plan, the following traffic-related elements shall be a part of future development of the Keizer Station Center:

- A. Access to Lockhaven Drive will be allowed when it is demonstrated to the approval of the City Traffic Engineer that it can be designed so as to have minimal impacts on the safe and efficient flow of traffic on Lockhaven Drive.
- B. Access to McLeod and Chemawa shall be coordinated with properties on both sides of these roads to minimize the number of access points and to align primary

access points opposite each other. At the City Traffic Engineer's discretion, driveways may be limited to right-in/right-out depending on anticipated traffic flows.

- C. The circulation system shall include provisions to provide pedestrian and bicycle connections to the overall Keizer Station Plan area.

IV. UTILITIES

In addition to the development standards of Utility Lines and Facilities – Section 2.307 the following standard shall apply to new utilities:

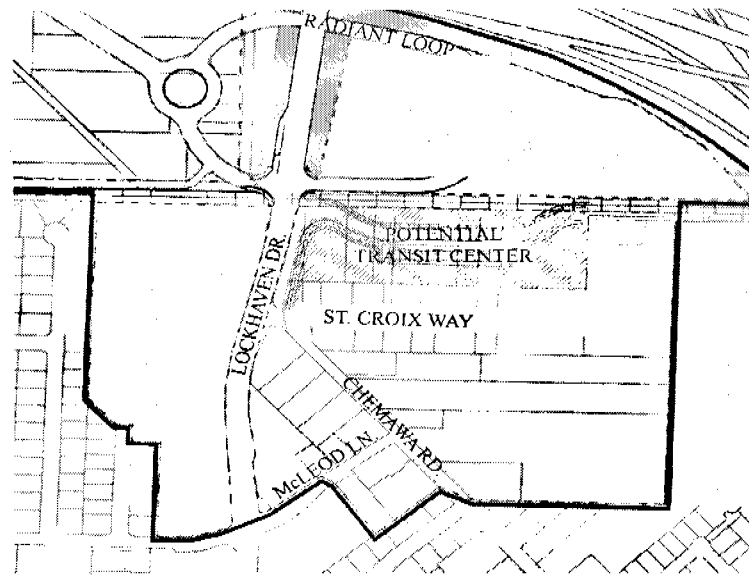
- A. All new utility connections and lines shall be located underground.

V. LANDSCAPE

In addition to the development standards of Site and Landscape Design – Section 2.309 the following standard shall apply:

- A. A coordinated landscape plan, including the use of trees, shall be provided for the frontage portion of the Keizer Station Center along Lockhaven Drive with the request for master plan approval.
- B. Restriction on Tree Removal. From the date of adoption of this ordinance, no trees shall be removed from any property within Area A- Village without approval from the City. The City recognizes that factors such as disease and safety concerns or other practical considerations may require the approval to remove such trees. The City otherwise may determine existing trees to remain on the property.
 - 1. Upon application for master plan approval, the applicant shall submit a tree inventory of all existing trees and trees removed since the date of this ordinance.

FIGURE 3: Potential Commuter Rail Transit Center



COMMERCE CENTER Area D – COMMERCE CENTER

I. PURPOSE AND OBJECTIVES

A. **Purpose:** ~~The Commerce Center~~ Area D (15 acres) is proposed to have a mix of industrial and business-related activities. Key issues that will need to be considered as ~~the Commerce Center~~ Area D develops include:

- Location and design of Radiant Loop Road transportation facilities;
- Traffic operations at the Chemawa Interchange; and
- Physical constraints (e.g. power lines, utility easements and rail right-of-way) that will influence the amount of buildable land and building locations.

B. **Objectives:** Development in ~~the Commerce Center~~ Area D will be focused on achieving the following objectives:

- A Source of Employment Opportunities; and
- Protect Traffic Operations ~~on Radiant Loop~~

C. **Base Zone:** In order to achieve the Commerce Center Development Objectives, the Comprehensive Plan designation for property within the Commerce Center

shall be Campus Light Industrial. Property within ~~the Commerce Center~~ Area D shall be zoned as follows:

Zoning	Acres
Industrial Business Park (IBP)	15.0

II. **COMMERCE CENTER STANDARDS**

- A. **Permitted Uses:** All permitted uses listed in the corresponding base zone are allowed in ~~the Commerce Center~~ Area D.
- B. **Development Standards:** Development Standards the underlying base zone, Industrial Business Park – Section 2.113 and Development Standards – Section 2.315 shall apply. In addition, the following standard shall apply:
1. The requirement in Industrial Business Park Section 2.113.05 H for 20 percent of the gross area of a lot in the IBP district ~~is reduced to 10 percent for the Entertainment and Sports Center.~~
- * **See Text Amendments in the Industrial Business Park (IBP) zone – KDC Section 2.113. Attachment H.**

III. **COMMERCE CENTER AREA D TRANSPORTATION SYSTEM**

The extension of transportation facilities ~~Radiant Loop~~ through ~~the Commerce Center~~ Area D is a key element, not only to the transportation system but also to the visual quality of the center. Accordingly, the following design features shall apply to Radiant Drive:

- A. ~~Radiant Loop is~~ Transportation facilities may be established to bisect ~~the Commerce Center Area D~~ to provide a landscaped entry into ~~the Commerce Center Area D~~ and ~~Village Center Area A – Village~~ activities.
- B. Access from a potential Radiant Loop transportation facility to adjoining property shall be controlled. At a minimum, spacing between full access points shall be located no less than 600 feet apart. Limited access points (e.g. right-in/right-out) may be permitted based upon an assessment of traffic operations and the need to address internal circulation needs.

IV. UTILITIES

In addition to the development standards of Utility Lines and Facilities – Section 2.307 the following standard shall apply to new utilities:

- A. All utilities located adjacent to Radiant Loop transportation facilities connecting to Radiant Drive shall be located underground.
- B. All other new utility connections and lines shall be located underground.

V. LANDSCAPE

In addition to the development standards of Site and Landscape Design – Section 2.309 the following standard shall apply:

- A. A coordinated landscape plan shall be provided for the frontage portion of the ~~Commeree Center~~ Area D along I-5 with the request for master plan approval.
- B. Restriction on Tree Removal. From the date of adoption of this ordinance, no trees shall be removed from any property within Area A- Village without approval from the City. The City recognizes that factors such as disease and safety concerns or other practical considerations may require the approval to remove such trees. The City otherwise may determine existing trees to remain on the property.
 - 1. Upon application for master plan approval, the applicant shall submit a tree inventory of all existing trees and trees removed since the date of this ordinance.

FINANCING OPTIONS – ALL AREAS

Financing for certain pieces of infrastructure and/or facilities within the Keizer Station Plan area may be financed through the implementation of certain public financing options if agreeable to the City and property owner(s). Some of these options could include, but not necessarily be limited to the implementation of one or more local improvement district(s), creation of one or more tax overlay zone(s), and/or the issuance of Bancroft bonds as allowed for by the Oregon State Constitution. Infrastructure components and/or facilities funded by public financing options could include but not necessarily be limited to recreational facilities, streets, water/sewer/storm water improvements, etc.

2.119 GENERAL EMPLOYMENT (EG)

2.119.01 Purpose

The General Employment (EG) zone is located in an area of the City reserved for a mix of commercial and industrial development. The zone promotes a mix of allowed uses, the allowed intensity of development, and the development standards. The zone allows a wide range of employment opportunities. The regulations promote areas, which consist of uses and developments, which will support the economic viability of the specific zoning district and of the City. The regulations protect the health, safety and welfare of the public, address area character, and address environmental concerns. The intent is to promote viable and attractive industrial/commercial areas. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. The General Employment zone is suitable for the Special Planning District (SPD) Plan designation.

2.119.02 Other Zoning Regulations

The regulations in this section state the allowed uses and development standards for the EG zone. Specific uses or development types may be subject to other applicable regulations in this Ordinance.

2.119.03 Commercial and Industrial Use Limitations

The EG zone is designed to promote a mixed development pattern with industrial and commercial uses to serve as an employment center within the City. This area is a subset of Area A of the Special Planning District (SPD) Comprehensive Plan designation. The EG zone is specifically designed for the property identified as Area A – Village Center in the Keizer Station Plan, physically bound by Tepper Lane to the north, Interstate 5 to the east, Burlington railroad tracks to the west, and Chemawa Road to the south. Uses in the gross acreage described shall be developed as a maximum seventy-five percent (75%) commercial and a minimum twenty-five percent (25%) industrial park. Uses shall be established in conformance with this Section and all other applicable regulations within the Keizer Development Code.

A limitation to the total floor area, as defined in the Keizer Development Code, for retail uses is required within the Keizer Station Plan. Each sub-area is limited with a specific amount of floor area for retail uses. The EG zone is located within Area A – Village Center of the Keizer Station Plan. The following limitation on total floor area for retail uses within the EG zone is 800,000 square feet for uses identified in Sections 2.119.04 (H), (K), and 2.119.06 (I).

2.119.04 Permitted Industrial Park Uses

Industrial Development. The following uses, when developed under the applicable development standards in the Zoning Ordinance, are permitted in the EG zone on a minimum 25% gross acreage of the Village Center:

A Building Construction – General Contractors and Operative Builders. (15)

B. Manufacturing;

1. Grain mill products. (204)

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2. Bakery products. (205)
3. Beverages. (208)
4. Miscellaneous food preparations and kindred products. (209)
5. The manufacture of meat products (201) but excluding both meat packing plant (2011) and any on site abattoirs and slaughtering, rendering of fats, processing of hides and maintenance of live animals or fowl. (Poultry slaughtering and processing (2015))
6. Textile mill products. (22)
7. Apparel and other finished products made from fabrics and similar products. (23)
8. Wood kitchen cabinets. (2434)
9. Nailed and lock corner wood boxes and shook. (2441)
10. Wood products, not elsewhere classified. (2499)
11. Furniture and fixtures. (25)
12. Paperboard containers and boxes. (265)
13. Printing, publishing, and allied industries. (27)
14. Drugs (283), **BUT EXCLUDING biological products, except diagnostic substances (2836)**
15. ~~Soaps detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations. (284)~~
16. ~~Miscellaneous plastic products. (308)~~
17. Leather and leather products (31) **BUT EXCLUDING leather tanning and finishing. (311)**
18. Glass products, made of purchased glass. (323)
19. Pottery and related products. (326)
20. Metal cans and shipping containers. (341)
21. Cutlery, hand tools, and general hardware. (342)
22. Heating equipment, except electric and warm air, and plumbing fixtures. (343)
23. Fabricated structural metal products. (344)
24. Screw machine products, and bolts, nuts, screws, rivets, and washers. (345)
25. Metal forgings and stampings. (346)

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26. Metalworking machinery and equipment. (354)
27. Special industry machinery, except metalworking machinery. (355)
28. Pumps and pumping equipment. (3561)
29. Office, computing, and accounting machines. (Computer and Office Equipment (357); Calculating and Accounting Machines, Except Electronic Computers (3578); Office Machines, Not Elsewhere Classified (3579))
30. Electrical and electronic machinery, equipment, and supplies. (Electronic and other electrical equipment and components, except computer equipment (36))
31. Transportation Equipment. (37)
32. Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks. (38)
33. Miscellaneous manufacturing industries. (39)

C. Transportation, communications, electric, gas, and sanitary services;

1. ~~Motor freight transportation and warehousing. (42)~~
21. Communication. (48)
32. Public Utility Structures and Buildings. (Electric, Gas, and Sanitary Services (49))

D. Wholesale trade-nondurable goods (51) BUT EXCLUDING poultry and poultry products (5144), livestock (5154), farm-product raw materials, not elsewhere classified (5159), chemicals and allied products (516), tobacco and tobacco products (5194), and nondurable goods, not elsewhere classified. (5199)

E. Wholesale trade-durable goods (50) BUT EXCLUDING automobiles and other motor vehicles (5012), lumber and other construction materials (503), coal and other minerals and ores (5052), construction and mining machinery and equipment (5082) and scrap and waste materials. (5093)

F. The uses listed in above A through D, excluding B(2) shall:

1. Be within an enclosed building; and
2. Permit retail sales of products manufactured on the site.

G. Services

1. Pest Control. (7342)
2. Computer and data processing services. (737)
3. Building Service Not Elsewhere Classified. (7389)

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4. Research and development laboratories.
5. Management, consulting, and public relations services. (Management and Public Relations Services (874))
6. Noncommercial educational, scientific, and research organizations.

H. Office Uses:

1. Any use allowed in Section 2.108, Commercial Office excluding those residential uses listed in Section 2.108.02A, B, C, PP, and RR and parking lots U.
2. Finance, Insurance, and Real Estate:
 - a) Commercial and Stock Savings Banks. (602)
 - b) Mutual Savings Bank.
 - c) Savings and Loan Associations. (603)
 - d) Personal Credit Institutions. (614)
3. Public Administration: (CC 09-03-02)
 - a) Fire Protection. (9224) (CC 09-03-02)
 - b) Medical Centers. (CC 09-03-02)

I. Retail trade:

1. Eating and drinking places.

J. Services:

1. Hotels, motels, and tourist courts.
2. Child daycare services.
3. Membership sports and recreation clubs.
4. Amusement and recreation (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996).
5. Public and private sports facilities including but not limited to stadiums, arenas, ice rinks, parks, and aquatic facilities.
6. Miscellaneous services.

K. Transit stop shelters.

L. Flexible Space Uses

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1. The following uses, when restricted, developed, and conducted as required in subsection 2 below, are permitted as industrial business park uses within the EG zone:

- a. Food Stores (54). (5/98)
- b. Apparel and Accessory Stores (56). (5/98)
- c. Furniture, Home Furnishings and Equipment Stores (57). (5/98)
- d. Miscellaneous Retail; BUT EXCLUDING used merchandise stores (59). (5/98)
- e. Business Services. (5/98)
- f. Miscellaneous Repair Services. (5/98)

2. In the Keizer Station where Flexible Space uses are to be developed as industrial business park uses within the EG zone, the following development limits apply:

- a. No single building shall be more than 25,000 square feet in area, with no more than 10,000 square feet to be utilized for any individual use listed in subsection (a)(i)-(iv)(K)(1)(a) - (d). (5/98)
- b. The aggregate floor area for uses devoted to food stores (54), apparel and accessory stores (56), furniture, home furnishings, and equipment stores (57), and miscellaneous retail (59) shall not exceed two percent of the total land area in the IBP district acreage identified for IBP uses within the EG zone. The acreage identified for IBP uses within the EG zone is defined as parcel or area of land used for IBP use land development including building site, parking, landscaping, drainage facilities and any other development on site to support the use on site. "IBP district" is defined as contiguous, IBP zoned property including any internal public streets. (5/98)
- c. The area developed in all flexible space uses shall in the aggregate not exceed 30 percent of the gross area of the IBP district acreage identified for IBP uses within the EG zone. (5/98)
- d. Any outdoor storage area shall:
 - i. Be no more than 3,000 square feet per building and shall not be aggregated with the storage of another building;
 - ii. Be enclosed with a sight-obscuring fence or wall;
 - iii. Have at least one side conterminous with the building that it serves;
 - iv. Have no opening within fifty feet and visible from any property boundary; and
 - v. Meet the other applicable requirements of this ordinance.
- e. Loading doors shall have no opening within seventy five feet and visible from any street or property boundary.

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f. Buildings fronting a street and within fifty feet of an abutting property shall have glass frontage not less than thirty-five percent of the area of the street front wall. This standard applies to Keizer Station Flex Space uses only – Section 2.315.08.B.1 shall apply to other uses otherwise identified in that section.

g. All buildings shall be capable of development as flexible industrial space.

2.119.05 Special Permitted Industrial Park Uses

~~A. The following uses, when developed under the applicable development standards, are permitted in the EG zone with the ability to occupy up to a maximum of 10% of the area identified for industrial use within the EG zone: (CC 09-03-02)~~

~~1. Public administration; (CC 09-03-02)~~

~~a. Fire protection. (9224) (CC 09-03-02)~~

~~b. Medical Centers. (CC 09-03-02)~~

~~2. Office Uses:~~

~~a. Any use allowed in Section 2.108, Commercial Office excluding those residential uses listed in Section 2.108.02A, B, C, PP, and RR and parking lots U.~~

~~b. Finance, Insurance, and Real Estate;~~

~~1) Commercial and Stock Savings Banks. (602)~~

~~2) Mutual Savings Bank.~~

~~3) Savings and Loan Associations. (603)~~

~~4) Personal Credit Institutions. (614)~~

A. Accessory structures and uses prescribed in Section 2.203.

2.119.06 Permitted Commercial Uses

Commercial Development. The following uses, when developed under the applicable development standards in the Zoning Ordinance, are permitted in the EG zone on a maximum 75% gross acreage of the Village Center:

A. One or more buildings with one or more dwelling units or guest rooms, and/or, one or more other uses allowed in this section on a lot.

B. Residential homes and facilities.

C. Child day care service, including family day care provider. (8351)

D. Public parks, playgrounds, community clubs including swimming, tennis and similar recreational facilities, and other public and semi-public uses.

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- E. **Landscape** counseling and planning (0781).
- F. **Offices** for any use listed in SIC Division C - Construction.
- G. **Commercial printing** (275).
- H. **Transportation, Communication and Utilities.**
 - 1. **Public utility structures and buildings.**
 - 2. **Post office** (43).
 - 3. **Travel agency** (4722).
 - 4. **Communications** (48).
- I. **Retail Trade.**
 - 1. **Building materials, hardware, retail nurseries, and garden supply** (52), BUT EXCLUDING mobile home dealers (527).
 - 2. **General merchandise stores** (53).
 - 3. **Food stores** (54).
 - 4. **Apparel and accessory stores** (56).
 - 5. **Home furniture, furnishings, and equipment stores** (57).
 - 6. **Eating and drinking places** (58).
 - 7. **Miscellaneous retail** (59), BUT EXCLUDING fuel and ice dealers (598).
 - 8. **Electrical and lighting shops and office machines and equipment stores.**
- J. **Business, Professional and Social Services.**
 - 1. **Finance, insurance and real estate** (60, 61, 62, 63, 64, 65, 67).
 - 2. **Hotels, motels and tourist courts** (701).
 - 3. **Organization hotels and lodging houses** on membership basis (704).
 - 4. **Personal services** (72) BUT EXCLUDING industrial launderers (7218).
 - 5. **Business services** (73) BUT EXCLUDING disinfecting and exterminating services (7342).
 - 6. **Parking lots** in accordance with Section 2.303.04 of this Ordinance. (7521)

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7. **Miscellaneous repair services** (76).
 8. **Motion pictures** (78), BUT EXCLUDING drive-ins (7838).
 9. **Amusement and recreation** (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996).
 10. **Health services** (80), BUT EXCLUDING hospitals (806).
 11. **Legal services** (81).
 12. **Elementary and secondary schools** (8211).
 13. **Correspondence schools and vocational schools** (824).
 14. **Schools and educational services** not elsewhere classified (829).
 15. **Social services** (83).
 16. **Museums, art galleries, botanical and zoological gardens** (84).
 17. **Membership organizations** (86).
 18. **Miscellaneous services** (89).
- K. **Public Administration** (91 - 97).
- 2.119.07 Special Permitted Commercial Uses**
- The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the EG zone:
- A. ~~Any commercial use, as identified in Sections 2.119.06 I. and 2.119.07 C(4) below, structures that exceed 60,000 square feet in floor area in accordance with Section 2.119.08 A below.~~ (CC 09-03-02)
- B A. **Accessory structures and uses** prescribed in Section 2.203.
- G B. The following **special uses** subject to the applicable standards in Section 2.4 and shall be considered commercial uses in the EG zone:
1. **House of Worship** (Section 2.423).
 2. **Veterinary services** (074) (Section 2.414).
 3. **Funeral service and crematories** (726) (Section 2.415).
 4. **Used Merchandise Store** (Section 2.417).
 5. **Service stations** (554) (Section 2.419) except as provided in Section 2.119.07 below.

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6. **Automobile services** (75) (Section 2.420) BUT EXCLUDING automotive rental and leasing, without drivers (751), automotive repair shops (753), automotive repair (754).

7. **Commuter Rail Station**

2.119.08 Use Restrictions

- A. ~~In the EG zone, a maximum number of three (3) commercial use structures as permitted in 2.119.07 A, may be allowed a maximum of 120,000 square feet ground floor area each or a maximum total of 350,000 square feet ground floor area for all three buildings. (CC 09-03-02)~~

- A. The following uses are **prohibited** to be established in the EG zone:

1. Farm Use.
2. The rendering, processing, or cleaning of animals, fish, seafood's, fowl, poultry, fruits, vegetables, or dairy products for wholesale use.
3. Vehicle sales and secondary repair.
4. General Storage, including boat and RV storage.
5. Recreational vehicle parks (7033).
6. Automotive Dealers (55), except as provided in Section 2.119.06 above.
7. Automotive rental and leasing, without drivers (751).
8. Automotive repair shops (753).
9. Automotive services, except repair (754).

2.119.09 Development Standards

- A. Purpose. The Keizer Station Plan requires the development of Master Plans for each of the five sub-areas. This process provides the City Council with an opportunity to review development proposals in conformance with the Keizer Development Code and the adopted Keizer Station Plan. Master Plans for each sub-area are required to meet the criteria identified in Section 3.113 of the Code.
- B. Master Plan Required. A master plan must be reviewed and approved by the City Council prior to subdivision platting or development. The Master Plan shall be reviewed through a Type II-B review process in accordance with this Section. It is recognized that the applicant of the master plan for the area may not own or control all the land within the master plan boundary. ~~At least 50% of the gross acres within the EG zone must be owned by the same person prior to application for master plan approval (Recommended by staff 10-21-02).~~ The master plan shall still cover the entire EG zone. For those portions not owned or controlled by the applicant, the Master Plan shall focus on a cohesive interconnected system of planned public facilities and shall set general guidelines to be used throughout the Master Plan area. Subdivision approval shall be based upon the zone and Section 3.108 as applicable.

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1. The Master Plan will be developed and considered in accordance with the requirements of the Activity Center Overlay provisions (Section 2.125 of the Keizer Development Code). Once a Master Plan is adopted, the proposed development of each use shall be reviewed through Development Review as required in Section 2.315 of the Keizer Development Code. In the case of conflicts between the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards will apply.
2. The Master Plan shall include a detailed transportation system design plan for the EG zone. The location of transit facilities shall conform to Section 2.305 of the Code.

2.119.10 Dimensional Standards

A. **Purpose.** The lot size standards promote new lots with sizes and shapes that are practical to assemble and develop. The standards are intended to prevent the creation of small lots, which are difficult to develop or to aggregate with other lots. The standards also discourage narrow lots, which increase demand for curb cuts. The EG zone is specifically designed for the property described as follows: physically bound by Tepper Lane to the north, Interstate 5 to the east, Burlington railroad tracks to the west, and Chemawa Road to the south. Uses in the gross acreage described shall be developed as a maximum seventy-five percent (75%) commercial and a minimum twenty-five percent (25%) industrial park. Uses shall be established in conformance with this Section and all other applicable regulations within the Keizer Development Code. Therefore, the division of such ground shall be approved to the standards in subsection 2.119.09.B. below.

B. **Minimum Lot Dimension Requirements.**

The term "lots" determined as lots approved in Master Plan process

1. Within the acreage identified for commercial uses, at least eighty percent (80%) of the lots must meet Standard A stated in the table within this subsection and the remainder lots must meet Standard B.
2. Within the acreage identified for industrial uses, at least eighty percent (80%) of the lots must meet Standard C stated in the table within this subsection and the remainder of the lots must meet Standard D.
3. Exempt Lots. Lots or tracts created for the purposes of providing a right-of-way or dedicated open space are exempt from the lot size and shape standards of this section.

Development Type	Lot Standard	Minimum Lot Area	Minimum Average Width	Minimum Average Depth
Commercial (2.119.06 & .07)	Standard A	20,000 sq. ft.	100 ft.	100 ft.
	Standard B	10,000 sq. ft.	75 ft.	75 ft.
Industrial Park (2.119.04)	Standard C	4 3 acres	350 ft.	350 ft.
	Standard D	1 acre	150 ft.	150 ft.

2.119.11 Development Standards

- A. ~~Setback from Residential Areas. Where the EG zone abuts a residential district, except another industrial type zone, directly or across an alley or railroad tract, there shall be a~~

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~~minimum required yard of forty (40) feet in depth adjacent to the lot line separating the EG zone from the abutting district. The 40-foot required yard shall not be varied and shall be landscaped in accordance with Section 2.309. [Alternative additional language: The 40 foot required buffer shall not be included in the minimum percentage for landscaping on a lot.]~~ (CC 09-03-02)

A. Height, Setback, Coverage, and Landscaping Requirements

Development Type	Building Standards		Building Setbacks				Minimum Landscaping
	Maximum Height	Maximum Lot Coverage	Street-side		Side/Rear Not Adjacent to Residential zone	Adjacent to Residential zone	Percentage of Lot Area
			Min	Max			
Commercial	50 100 ft. (1)	85% (2)	10 ft.	20 ft. (3) (4)	None	40 ft.	15% 10% (5) (6)
Industrial Park	80 ft. 100 ft. / 15ft. within 50 of any residential zone (1)	80% (2)	25 ft. 20 ft.	None	None	40 ft. plus 2 ft. for each foot of bldg. height over 50 ft.	20% 10% 15% (5) (6)

(1) Height Exceptions. Exceptions to the maximum height standard are stated below.

- a. Projections allowed. Chimneys, flag poles, satellite receiving dishes, and other items similar with a width, depth, or diameter of 5 feet or less may rise 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.
- b. Rooftop mechanical equipment. All rooftop mechanical equipment must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Elevator mechanical equipment may extend up to 16 feet above the height limit. Other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.
- c. Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit.

(2) ~~Structures that exceed 60,000 sq. ft. must comply with Sections 2.119.06.A and 2.119.07.A.~~ (CC 09-03-02)

(2) Maximum lot coverage allowed for buildings, accessory structures and paved parking.

(3) Alternative maximum setback option for large commercial uses.

- a. Purpose. The intent of these regulations is to allow significant deeper street setbacks for very large retail stores locating along transit street or street in a pedestrian district.

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and individual elements of an integrated shopping center, in exchange for a pedestrian and transit-friendly main street type of development. These large commercial sites can still be transit-supportive and pedestrian-friendly by placing smaller commercial buildings close to the street and by creating an internal circulation system that is similar to streets to separate the parking area into blocks. The intent is to encourage development that will, over time, form a pedestrian-friendly main street along the perimeter of the parking blocks.

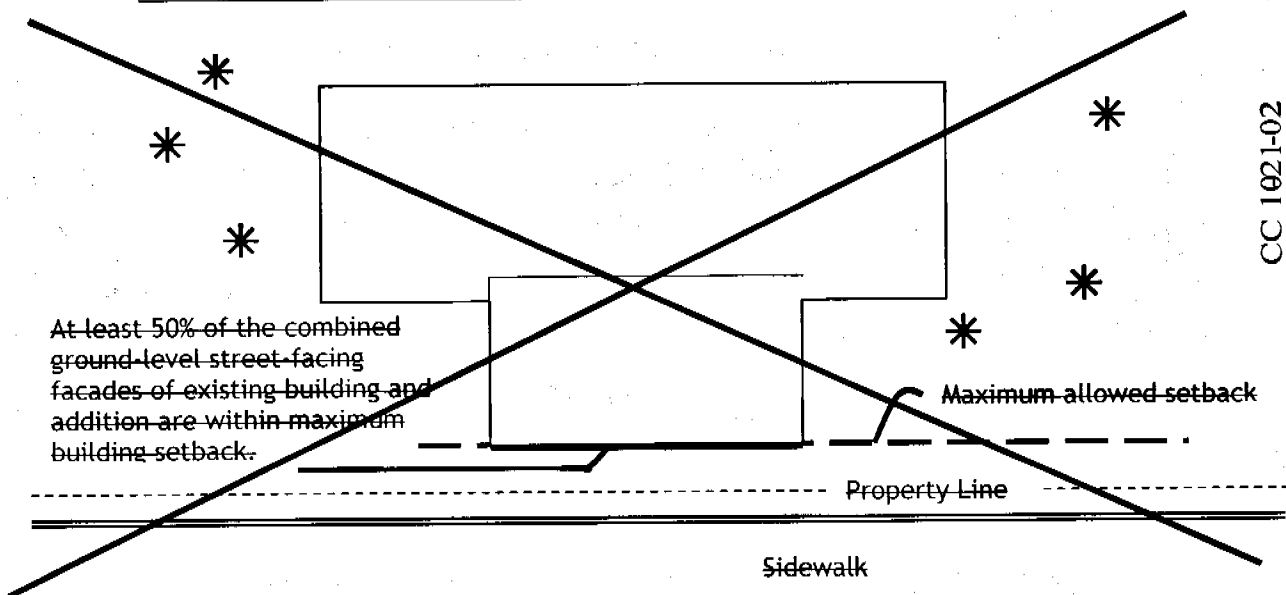
- b. Regulation. Commercial buildings that exceed 60,000 square feet of floor area (CC 09-03-02) are exempt from the maximum setback requirements identified in Section 2.119.10.B, if all of the following are met: provided the system connects buildings on the site to all adjacent properties.

- (i) ~~Other buildings on the site have ground level walls within the maximum setback for at least 25 percent of the frontage on a transit street or street in a pedestrian district. For sites with frontage on more than one public transit street or in a pedestrian district, the following regulations below apply. These buildings must be constructed before or at the same time as the large commercial use. Frontage on more than one transit street. Where the site is adjacent to more than one transit street, the following standards apply:~~

- (a) ~~If two or more of the transit public streets intersect, at least 50% of the length of the ground level street facing façade of the building must be within the maximum setback along two of the intersecting transit streets, but does not need to be met along others; the applicant may choose which intersection; and~~
- (b) ~~If none of the transit streets intersect, at least 50% of the length of the ground level street facing façade of the building must be within the maximum setback; the applicant may choose which street.~~

- (ii) ~~Connections between sites. The system must connect the buildings on the site to all adjacent properties.~~

- (4) At least 50 percent of the length of the ground level street facing façade of a building must be within the maximum setback. (CC 09-0302) (CC 10-21-02)



- (5) **Landscaping.** All required yards, except driveways, are required to be landscaped; that portion within the required yard, which is landscaped, may be included in the calculation to meet minimum landscape area requirements. Landscaping shall meet all applicable standards identified in Section 2.309 of the Code. In addition to landscaping provisions identified in Section 2.309, landscaping for properties within the EG zone shall be defined as follows:

"Landscaped Area" must be native or non-native trees, vegetation, ponds, rocks, ground cover, bark chips, cinders, terraces, vegetable or flower gardens, trellises, pathways, or structural features including but not limited to fountains, reflecting pools, outdoor art work, screen walls, fences and benches, which reasonably required and continues to reasonably requires human management to distinguish the area from a natural area.

Within the EG zone, landscape area requirements may be determined by the City Council to have a portion of landscaped or streetscaped area within the right-of-way to be included within the minimum landscape area requirement. (CC 10-07-02)

- (6) **Streetscaping.** Streetscaping is defined as pedestrian oriented improvements to property outdoors. Streetscaping may include, but not limited to, walkways with varied materials (other than plain concrete or asphalt), art features, water features, planters, benches, hanging plant baskets, and plazas. (CC 09/03/02)

(a) In accordance with Section 3.113 Keizer Station Master Plan Review, at the time of master plan approval by the Council, the Council may determine if streetscaped areas may be included in the minimum landscape area for a proposed development.

- B. **Design Standards.** All development in the EG zone shall comply with applicable standards in Section 2.315 of the Code, in addition to the standards below:

1. Exterior Display, Storage, and Work Activities.

- a. Exterior display and storage is allowed. Exterior display and storage shall not be located within required setbacks nor required landscaped areas. Exterior display and exterior storage areas shall not be located within 100 feet of any property line within 60 feet of a residential zone.
- b. Exterior work activities are allowed in the areas identified for industrial development. Exterior work activities shall not be located within required setbacks nor required landscaped areas. Such exterior work activities shall not be located within 100 feet of any property line within 60 feet of a residential zone.

2. All development must comply with the applicable standards identified in the Code including, but not limited to, the following:

Section 2.125	Activity Overlay Zone
Section 2.3	General Development Standards
Section 2.301	General Provisions
Section 2.302	Street Standards
Section 2.303	Off-Street Parking and Loading
Section 2.305	Transit Facilities
Section 2.306	Storm Drainage
Section 2.307	Utility Lines and Facilities
Section 2.308	Signs
Section 2.309	Site and Landscaping Design
Section 2.310	Development Standards for Land Divisions
Section 2.312	Yard and Lots Standards

3.101 SUMMARY OF APPLICATION TYPES

There are four types of development permits and land use actions, each with its own procedures as found in Chapter 3.2. (5/98)

3.101.01 Type I Action - Summary

Type I actions are administrative reviews processed by the City staff according to the procedures found in Section 3.202.01. The review standards are generally clear and objective and allow little or no discretion. This process is further divided into two parts: (5/98)

- A. Type I-A: A ministerial action reviewed by staff based on clear and objective standards. No conditions may be placed on the decision and notice of the decision is sent only to the applicant. Appeal is to the Hearings Officer, except that the Site Plan Review is appealed to the Planning Commission. The following actions are processed under the Type I-A procedure: (5/98)
 - 1. Signs (excluding variances or conditional uses) (5/98)
 - 2. Floodplain Development Permit (excluding variances or conditional uses) (5/98)
 - 3. Greenway Development Permit (excluding variances or conditional uses) (5/98)
 - 4. Temporary Use Permit (5/98)
 - 5. Development Standards - Review (5/98)
- B. Type I-B: A ministerial action reviewed by staff based on generally clear and objective standards with some discretion afforded to staff. Conditions may be placed on the decision and notice is sent to the applicant and property owners within the required notice area. Appeal is to the Hearings Officer. The Zoning Administrator may refer any application to the Hearings Officer or the City Council for public hearing and decision. The following actions are processed under the Type I-B procedure: (5/98)
 - 1. Variance (Major and Minor) (5/98)
 - 2. Lot Line Adjustment (5/98)
 - 3. Conditional Use (5/98)
 - 4. Partitions (5/98)

3.101.02 Type II Actions - Summary

- A. Type II-A: A Type II action is a quasi-judicial review in which the Hearings Officer applies a mix of objective and subjective standards that allow considerable discretion. A Type II action follows the procedures found in Section 3.202.03. Staff has an advisory role. The Zoning Administrator may refer any application to the City Council for public hearing and decision bypassing the Hearings Officer. Public notice and a public hearing are provided. Section 3.202 lists the notice requirements. Appeal of a Type II decision is to the City Council. The following actions are processed under a Type II procedure. (5/98)
1. Subdivision (5/98)
 2. Planned Unit Development (5/98)
 3. Manufactured Home Parks (5/98)
- B. Type II-B: A quasi-judicial action in which the City Council applies a mix of objective and subjective standards that allow considerable discretion. Type II-B actions follow the procedures found in Section 3.204.02. Staff has an advisory role. The City Council shall hold a public hearing and make the decision instead of the Hearings Officer. Public notice and a public hearing are provided. Section 3.202 lists the notice requirements. Section 3.206 sets forth the hearings process. The following actions are processed under a Type II-B procedure:
1. Keizer Station Master Plans, Subdivision and Partitioning

3.101.03 Type III Actions - Summary

A Type III action is a quasi-judicial process in which the City Council applies a mix of objective and subjective standards. A Type III action follows the procedures found in Section 3.202.03. Staff and the Hearings Officer have advisory roles. Public notice is provided and public hearings are held before the Hearings Officer and City Council. Section 3.202 lists the notice requirements. In addition to applications by private parties, the City Council, by resolution, may initiate a Type III action. Appeal of the decision is to the Land Use Board of Appeals (LUBA). The following actions are processed under a Type III procedure. (5/98)

- A. Comprehensive Plan Map Amendments (involving 5 or fewer adjacent land ownerships) (5/98)

- B. Zone Changes (involving 5 or fewer adjacent land ownerships) (5/98)
- C. Annexation (5/98)

3.101.04 Type IV Actions - Summary

A Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. Private parties cannot apply for a Type IV action; it must be initiated by City staff, Planning Commission, or City Council. Public notice and hearings are provided in a Type IV process. The following actions are processed under a Type IV procedure: (5/98)

- A. Text Amendments to the Comprehensive Plan (5/98)
- B. Text Amendments to the Development Code (5/98)
- C. Enactment of new Comprehensive Plan or Development Code text (5/98)
- D. Comprehensive Plan Map Amendments (involving more than 5 adjacent land ownerships, or, non-adjacent properties) (5/98)
- E. Zone Changes (involving more than 5 adjacent land ownerships, or, non-adjacent properties) (5/98)

LAND USE APPLICATION PROCESS

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COM-MISSION	CITY COUNCIL
Administrative: Sign, Floodplain, Greenway, Temporary Use	I-A	Final Decision	Appeal of Staff Decision		Appeal of H.O. decision
Administrative: Development Standards Review	I-A	Final Decision		Appeal of Staff Decision	Appeal of Planning Commission Decision
Conditional Use (All)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Variance (All)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision

ATTACHMENT B

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COMMISSION	CITY COUNCIL
Lot Line Adjustment	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Partition	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Keizer Station Master Plan Review	II-B	Recommend to City Council			Final Decision
Subdivision	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Planned Unit Development	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Manufactured Home Park	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Comprehensive Plan Map Amendment	III	Recommendation to Hearings Officer	Recommendation to City Council		Final Decision
Zone Change	III	Recommendation to Hearings Officer	Recommendation to City Council		Final Decision
Annexation	III	Recommendation to Planning Commission		Recommendation to City Council	Final Decision
Text Amendments; Legislative Zone and Plan Map Changes	IV	Recommendation to Planning Commission		Recommendation to City Council	Final Decision
		Commission			

3.113 KEIZER STATION MASTER PLAN REVIEW

3.113.01 Area of Application

The Keizer Station Plan requires the development of Master Plans for each of the five sub-areas. This process provides the City Council with an opportunity to review development proposals in conformance with the Keizer Development Code and the adopted Keizer Station Plan. Each Master Plan shall be reviewed through a Type II-B review process.

3.113.02 Review Procedures

Potential alternative language recommended by staff:

The Keizer Station Plan identifies different areas for planned development.

Each area has provisions to be approved through the Keizer Station Master Plan Review (Type II-B) application procedure.

Type II-B actions follow the procedures found in Section 3.204.02. Staff has an advisory role. The Zoning Administrator shall make a recommendation to the City Council for public hearing and decision bypassing the Hearings Officer. Public notice and a public hearing are provided. Section 3.202 lists the notice requirements. Section 3.206 sets forth the hearings process.

Properties in Area C may develop as an individual parcel with a Conditional Use Permit (Type I-B) approved by the Zoning Administrator in accordance with the applicable criteria and subject to conditions of approval in Section 3.113.04. Areas A, B, D, and two or more parcels in Area C, may develop with Type II-B Keizer Station Master Plan Review approval by the City Council.

3.113.03 Submittal Requirements

A. Area A – Village Village Center. (CC 09-09-02)

1. Infrastructure engineering and architectural site plans showing all structures in relation to projected final topography of the project, all proposed connections to existing or proposed roads, transportation facilities (including proposed right-of-way and pedestrian connections), utilities, open space and parking areas, depicting the number and types of spaces. (CC 09-03-02)

2. Landscape plans generally showing the common and botanical name of plant species, the number and size of plantings and demonstrating the location and type of irrigation.
3. ~~Plans,~~ Building elevations, typical cross-sections and typical wall sections of all building areas.
4. Typical elevations of the buildings to determine the specific configuration and relationship of design elements of the typical building exteriors, which describe the general aesthetic and technical aspects of the building exterior, including materials.
5. ~~Plans,~~ Elevations, typical cross sections of the interior space layout of the building areas, entrance canopies, interior public courts, specialty areas, and service area layouts.
6. Proposed layouts for exterior signage and graphics.
7. Preliminary outline specifications describing exterior construction materials and methods, including indications of colors, finishes, and patterns.
8. An outline of amenities, including, but not limited to, public art, furniture, handrails, seating areas and food areas, if any.
9. A description of servicing requirements, trash compactors and related areas, loading docks, etc.
10. Calculation of gross building, parking and open space.
11. ~~Detailed cost estimate pertaining to the construction of the improvements as presented in the Design Development Drawings, for review and comment only.~~ (CC 09-09-02)
- 42-11. For any project for which the projected daily average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated.

A. Area A – Sports (CC 09-09-02)

1. Location of land uses, open spaces, and pedestrian and vehicular circulation and a written explanation showing how these features achieve the purpose of the activity center design plan.
2. For any project for which the projected daily average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated.

C. ~~Retail Service Center.~~ Area B (CC 09-09-02)

1. Location of land uses, open spaces, and pedestrian and vehicular circulation and a written explanation showing how these features achieve the purpose of the activity center design plan.
2. For any project for which the projected daily average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated.

D. ~~Keizer Station Center.~~ Area C (CC 09-09-02)

1. Location of land uses, open spaces, and pedestrian and vehicular circulation and a written explanation showing how these features achieve the purpose of the activity center design plan.
2. For any project for which the projected daily average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated.

E. ~~Commerce Center.~~ Area D (CC 09-09-02)

1. Location of land uses, open spaces, and pedestrian and vehicular circulation and a written explanation showing how these features achieve the purpose of the activity center design plan.

2. For any project for which the projected daily average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated.

3.113.04 Review Criteria

Approval of a Master Plan for an area of the Keizer Station Plan shall require compliance with the following:

- A. The master plan shall meet the purpose and objectives identified in the Keizer Station Design Plan.
- B. The master plan shall meet the following standards as identified in the Keizer Station Plan in addition to standards within applicable zones:
 1. Design standards
 2. Transportation system standards
 3. Utility standards
 4. Parking standards
 5. Landscape standards

If a conflict exists between standards within the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards shall be applied.

C. Development Strategies for Area A – Village Center

1. Pedestrian Access, Safety and Comfort
 - a. ~~If in the EG zone, the building(s) shall have at least one primary entrance facing every abutting street, or is /are directly accessed by a sidewalk or plaza within 20 feet of the primary entrance. (CC 10-21-02)~~

To ensure safe, direct, and convenient pedestrian circulation, development in the EG zone, shall provide a continuous pedestrian and/or multi-use path system. (CC 10-21-02)

- b. ~~Building entrances in the EG zone open directly to the outside; every building has at least one entrance that does not require passage through a parking lot or garage to gain access; corner buildings have corner entrances whenever possible.~~ (CC 10-21-02)

The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas wherever possible. (CC 10-21-02)

- c. ~~Parking and vehicle drives are located away from building entrances, and not between a building entrance and the street, except as may be allowed when a direct pedestrian connection is provided from the sidewalk to the building entrance.~~ (CC 10-21-02)

Pathways with developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets and parking areas. (CC 10-21-02)

- d. ~~Surface parking is oriented behind or to the side of a building when possible; parking shall be accessed from an alley when possible; and parking shall not be located on street corners if in the EG zone.~~ (CC 10-21-02)

For all developments subject to Master Plan review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable. (CC 10-21-02)

- e. Recessed entries, canopies, and/or similar features shall be used at the entries to a building in order to create a pedestrian scale. (CC 10-21-02)

- f. For driveways that service uses that require service more than 100 parking spaces, such driveway intersections with Radiant Drive shall not have any parking within twenty-five feet of the driveway intersection. This area shall be landscaped in accordance with Section 2.309 of the Keizer Development Code. (CC 10-21-02)

- g. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (CC 10-21-02)

2. Vehicular Movement

- a. Encourage traffic to enter and exit the development at locations other than Tepper Lane. (CC 09-09-02)

3. Crime Prevention and Security

Crime prevention shall be considered in the site design through application of all of the following guidelines:

- a. Territoriality – All proposed building entrances, parking areas, pathways and other elements are defined with appropriate features that express ownership. (Generally, people protect and maintain territory that they feel is their own and have a certain respect for the territory of others.) (CC 09-09-02) For example, landscaping, fences, pavement treatments, art and signs are some physical ways to express ownership through design. Such features should not conflict with the need for natural surveillance, as described in b.; and
- b. Natural Surveillance – The proposed site layout, building and landscape design promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site. For example, window placement, the use of front porches or stoops, use of low or see-through walls, and appropriate use of landscaping and lighting can promote natural surveillance. Sight-obscuring shrubs and walls should be avoided, except as necessary for buffering between commercial uses and lower density residential districts, and then shall be minimized; and
- c. Activity Support – The proposed site layout and building design encourage legitimate activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining; and
- d. Access Control – By properly siting and designing entrances and exits (i.e., in clear view from the store), and through the appropriate use of lighting, signs and/or other features, the proposed plan controls access in ways that discourage crime; and/or
- e. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines.

4. Reduced Parking

Reduce or waive minimum off-street parking standards. The applicant may request a reduction to or waiver of parking standards based on a parking

impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; availability of transit service, and likelihood of car pool use; and adjacent on-street parking. The parking study is subject to review and approval or modification by the City.

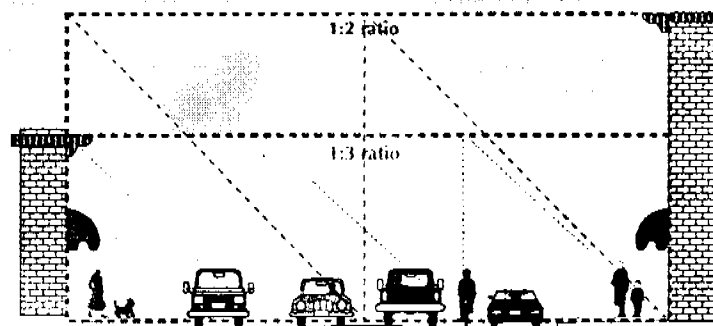
5. Creating and Protecting Public Spaces

- a. ~~The development provides at least 20 square feet of public space, in addition to required sidewalk(s), for every 10 off-street surface parking spaces or 1,000 square feet of floor space, whichever is greater. The development provides an appropriate amount of public space as determined by the City Council in addition to sidewalks and landscaping.~~ (CC 09-09-02)
- b. Public space may be a landscaped open space or plaza with pedestrian amenities, as approved by the City Council.

6. Human Scaled Building Design

Building facades are designed to a human-scale, for aesthetic appeal, pedestrian comfort, and design character of a development.

- a. Height to width ratios of 1:2 and 1:3 shall be developed for structures built within 20 feet along right of way of Radiant Drive. streets. (CC10-21-02)



Human scale height-to-width ratios fall between 1:3 and 1:2 as measured from the building fronts or large trees if present.

Source: Main Street Handbook

1:3 height-to-width ratio creates a human scale Main Street

- b. The City Council may determine architectural character, continuity of building sizes, roof forms, rhythm of window and door spaces and the general relationship of buildings to public spaces such as street, plazas, other open space and public parking.
- c. The City Council may determine a minimum distance along Radiant Drive that may require development to be constructed to abut Radiant Drive to the above referenced standards.

d. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines.

7. The Village within Area A shall contain a public improvement design to include a promenade and sidewalk design that may vary in width to meet a minimum width of 8 feet on both sides of Radiant Drive. The promenade/sidewalk shall be separated from the street with a landscape belt, to include decorative lighting and trees. (CC 10-07-02)

The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (CC 09-09-02)

3.113.04 Conditions of Approval

The City may attach conditions to any development within an Activity Center to achieve the following objectives:

- A. Transit Orientation. The development shall emphasize transit usage by residents, employees and customers. This may require:
 - 1. Orienting building and facilities towards transit services.
 - 2. Minimizing transit/auto conflicts.
 - 3. Encouraging transit supportive uses.
 - 4. Minimizing walking distance to transit stops.
 - 5. Avoiding excess parking areas.
 - 6. Encouraging shared parking and structures or under-structure parking.
- B. Pedestrian/Bicycle Circulation. The development shall facilitate pedestrian/bicycle circulation. This may require:
 - 1. Providing efficient, convenient, and continuous pedestrian and bicycle transit circulation systems, linking developments with the Activity Center facilities, and surrounding development.
 - 2. Separating auto and truck circulation and activities from pedestrian areas.
 - 3. Pedestrian-oriented design.
 - 4. Pedestrian amenities.
 - 5. Bicycle parking.
 - 6. Outdoor lighting.

- C. Coordination. Coordination of development within an Activity Center area. This may require:
1. Continuity and/or compatibility of landscaping, circulation, access, public facilities, and other improvements.
 2. Siting and orientation of land uses.
 3. Frontage roads or shared access.
- D. Compatibility. Developments within the Activity Center should be compatible with, and complement the surrounding neighborhood. This may require:
1. Sensitive use of landscaping, building heights, building scale, materials, lighting, circulation systems, and architectural features.
 2. Buffering of adjacent residential uses.
- E. Other Conditions. The Council may impose other conditions of approval it deems appropriate for the health, safety, and welfare of the citizens of Keizer or to ensure the desired implementation of the approved master plan. (CC 11-04-02)
- F. Traffic Impact. To minimize congestion and traffic impact within the development and in adjacent areas. (CC 10-21-02)

2.315 DEVELOPMENT STANDARDS**2.315.01 Purpose**

The Development Standards are intended to implement the Keizer Comprehensive Plan and the purpose of each zoning district. They do this by promoting functional, safe, and attractive developments that maximize compatibility with surrounding uses and commercial corridors, and that are compatible with and enhance the transportation system. Development Standards mitigate potential conflicts and problems, and maximize harmonious relationships. Alternatives to the Design Standards on a case-by-case basis may be reviewed and approved as a land use action. In such cases, the purpose of this ordinance shall be met through factual findings and conclusions about the proposed design, and attachment of specific conditions if necessary, by the review body. Application of Development Standards does not evaluate the proposed use, nor the specific architectural style or design. Rather, the Development Standards focus on the structural elements of texture, color, and materials, and on the site elements of building placement. (5/98)

2.315.02 Application of the Development Standards

Development Standards are applied in one of three ways: (5/98)

- A. The Development Standards embodied in this ordinance are administratively reviewed at the time of a building permit. Compliance to the standards is a condition of building permit approval. These standards are intended to be objective and to serve as a guide to designers of developments. (5/98)
- B. The Development Standards embodied in this ordinance are to be perpetually maintained on all properties. This particularly applies to color and facade materials, which may possibly change without requiring a building permit. (5/98)
- C. In the event a development proposal or a change to an existing building does not conform to the standards contained in this ordinance due to an applicant wishing to propose alternatives, the applicant may choose to apply for approval of a Development Review application, which is a land use application processed in the same manner as a conditional use. (5/98)

2.315.03 Relationship to Other Regulations

The Development Review process does not supersede or is not superseded by other regulations. Approval of an application for Development Review does not relieve the applicant of responsibility for compliance with other applicable codes, ordinances, statues, or regulations. (5/98)

2.315.04 Review Procedures

- A. No building permit will be issued for a use requiring Development Review until the application for Development Review is approved. (5/98)

- B. In instances where conformance to the standards is outside of the scope of a building permit, such as repainting a building, the owner shall be responsible for conformance with these standards. (5/98)
- C. When an applicant wishes to proposed an alternative to the Development Standards, they may apply for a Development Review. A Development Review application shall comply with the procedures for a Conditional Use Permit in Section 3.103, with the initial decision rendered by the Planning Commission (Section 3.103.06.C.). (5/98)

2.315.05 Applicability

Conformance with the Development Standards is required in these instances, except where modified in the specific standard: (5/98)

- A. The following buildings and uses are subject to these standards: (5/98)
 - 1. Any commercial or office use
 - 2. Any industrial use
 - 3. Any public buildings designed for regular human occupancy, other than schools. (5/98)
 - 4. Any residential development involving four or more attached dwelling units or apartments
- B. The Standards shall specifically apply only in the following circumstances: (5/98)
 - 1. Construction of new buildings
 - 2. Expansions of existing buildings by 500 square feet or more. (5/98)
 - 3. Any external remodeling of a structure that requires a building permit. (5/98)
 - 4. All buildings in matters relating to color or facade materials. (5/98)

2.315.06 Non-Applicability

Development Standards specifically do not apply to the following uses: (5/98)

- A. Agricultural uses
- B. Any residential building housing three or fewer dwelling units
- C. Accessory structures of less than 500 square feet. (5/98)

- D. Any interior remodeling
- E. A temporary business

2.315.07 Non-Conforming Buildings

Any building that does not conform to the development standards for color or facade materials on the date this ordinance is effective is considered non-conforming as defined and regulated within the zoning ordinance. (5/98)

2.315.08 Development Standards

All applicable development must meet the following standards: (5/98)

A. Internal Pedestrian Circulation

1. **Connection Required.** The internal pedestrian circulation system for the proposed development must connect to other areas of the site, to other building entrances, to adjacent streets and to nearby transit stops. (5/98)
2. **Location, Design.** Walkway(s) shall be located so that a pedestrian can conveniently walk between a transit street and the main entrance to a building(s). A raised walkway or a walkway that is separated from the auto travel lane and parking by a raised curb or other physical barrier, other than where it crosses a driveway, shall be provided. If a raised path is used the ends of the raised portions must be equipped with curb ramps. (5/98)
3. **Driveway Crossings.** Driveway crossings shall be minimized and in no case exceed 30 feet in width. Where the pedestrian system crosses driveways, parking areas and loading areas, the system must be clearly identifiable through the use of elevation changes, a different paving material or other similar method. (5/98)
4. **Lighting.** Lighting shall be provided along all walkways. Pedestrian walkways must be lighted to a level where the system can be used at night by employees and customers. (5/98)

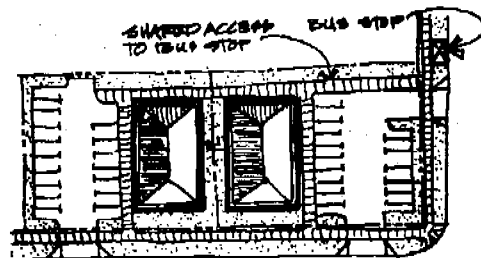


Figure 1 – Pedestrian Access Standards

5. **Walkway Coverage.** Walkways along building frontages shall be covered with awnings, or building overhangs. The minimum vertical clearance shall be 9 feet for awnings and 12 feet for building overhangs. (5/98)
6. **Dimensions.** Walkways shall be at least five feet in paved unobstructed width. Stairs or ramps shall be in place where necessary to provide a direct route between the transit street and the building entrance. Walkways without stairs shall have a maximum slope of 8% and a maximum cross slope of 2%. (5/98)
7. **Additional Street Access.** A walkway from a building entrance to a public street shall be provided for every 300 feet of street frontage or for every eight rows of vehicle parking, whichever is the greater distance. (5/98)
8. **Access to Adjacent Property.** If it can be reasonably expected that the proposed development has the potential of being a significant attractor or generator of pedestrian traffic, potential pedestrian connections between the proposed development and existing or future development on adjacent properties other than connections via the street system shall be identified. (5/98)
9. The building permit or site plan review application shall designate walkways and pedestrian connections on the proposed site plan or findings shall be submitted demonstrating that the walkway or connection is infeasible. The findings will be evaluated during the building permit or site plan review process. (5/98)

B. Building Design

1. **Ground floor windows –** In the CM, CR, EG and MU zones, all street-facing elevations containing permitted uses as listed under Sections 2.110.02 F, G, H, I, J and K shall have no less than 50 percent of the ground floor wall area with windows, display areas or doorway openings. (5/98)

2. Building facades - Facades that face a public street shall extend no more than 30 feet without providing a variation in building materials, a building off-set of at least 2 feet, or a wall area this is entirely separated from other wall areas by a projection, such as a porch or a roof over a porch. No building facade shall extend for more than 300 feet without a pedestrian connection between or through the building. (5/98)

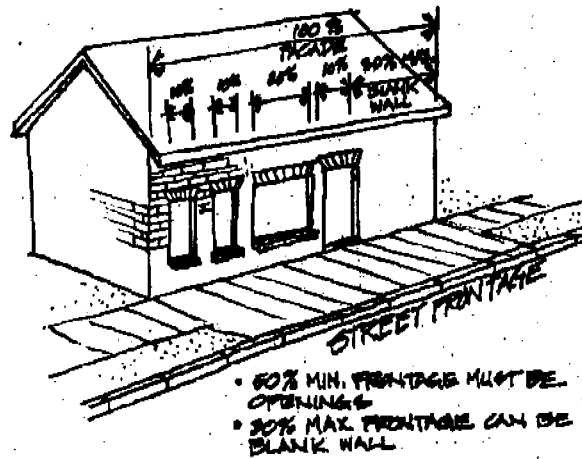


Figure 2 – Façade Standards

3. Awnings - Awnings, canopies, or arcades shall be tent shaped and shall be provided along building storefronts abutting a public sidewalk. Awnings and canopies shall be constructed of canvass, vinyl, or similar standard awning material. Awnings and canopies shall not be back lit. (5/98)
4. Materials and Texture
- All buildings shall have wood, brick, stone, or stucco siding, or vinyl siding made to look like wood siding. (5/98)
 - Building trim shall be wood, brick, stone, stucco, or metal. (5/98)
 - Any roofing material is allowed including metal roofs. (5/98)
 - Plain concrete block, plain concrete, corrugated metal, plywood and sheet press board may not be used as exterior finish materials. (5/98)
 - Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than 3 feet. (5/98)
5. Color
- Any portion of a building that is painted or stained may use as the main color, and roof color for all portions of the roof visible from the ground, the following colors found in the Sherwin Williams color chip book entitled "Exterior Color Answers" published 9/90 (or the equivalent color from another

manufacturer) with the following numbers: 2001 - 2004; 2008 - 2011; 2015 - 2020; 2022 - 2027; 2029 - 2034; 2036 - 2097; 2099 - 2104; 2106 - 2111; 2113 - 2118; 2120 - 2125; 2127 - 2131; 2134 - 2139; 2141 - 2237; 2239 - 2250; 2253 - 2258; 2260 - 2265; 2267 - 2272; 2274 - 2279; 2281 - 2384; 2386 - 2391; 2393 - 2398; 2400 - 2405; 2407 - 2412; and 2414 - 2419.

- b. For the purpose of this ordinance, "main color" is the principal color of the building which must be at least 75% of the surface of the building excluding windows; the trim colors of all buildings may be any color. (5/98)
 - c. In no case shall the main color or the trim color of any structure be "florescent", "day-glo", or any similar bright color. (5/98)
- 6. Roof Lines - Roof lines shall establish a distinctive "top" to a building. When flat roofs are proposed, a cornice a minimum 12 inches high projecting a minimum 6 inches from the wall at the top of the wall or parapet shall be provided. (5/98)
 - 7. Roof-mounted equipment – In a CM, CR, CO, EG or MU zone, all roof-mounted equipment, including satellite dishes and other communication equipment, must be screened from view from adjacent public streets. Solar heating panels are exempt from this standard. (5/98)

E. Accessory Structures

Accessory Structures including buildings, sheds, trash receptacles, mechanical devices, and other structures outside the main building, shall either be screened from view by the public by a hedge or fence, or painted the same color as the main color of the building. (5/98)

2.315.09 Determination of Conformance to Development Standards as Part of Building Permit Review

The Zoning Administrator, or designee, during the normal course of reviewing a building permit application shall include as part of that review determination of the proposal's conformance with the Development Standards. Corrections may be noted on the plans, or required to be submitted as amended plans, to assure conformance to the standards. Building plans shall not be approved unless there is conformance to the standards. (5/98)

2.315.10 Criteria for Development Review

The Planning Commission, or Council upon appeal, may approve the proposed design alternatives, or approve them with conditions, if it finds the alternative design can meet the purpose and intent of this ordinance and be successfully applied to a particular property. (5/98)

2.110 COMMERCIAL MIXED USE (CM)

2.110.01 Purpose

The Commercial Mixed Use (CM) zone is the primary commercial zone within the City. The zone is specifically designed to promote development that combines commercial and residential uses. This zone will support transit use, provide new housing opportunities while allowing a full range of commercial retail, service and office uses. Development is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk. Parking may be shared between residential and commercial uses. Clusters of residential and commercial uses around landscaping features or parking areas can occur and are encouraged. The Commercial Mixed Use zone is suitable for the Commercial Plan designation. (5/98)

2.110.02 Permitted Uses

The following uses, when developed under the applicable development standards in the Zoning Ordinance, are permitted in the CM zone:

- A. **One or more buildings with one or more dwelling units or guest rooms, and/or, one or more other uses allowed in this section on a lot.** (5/98)
- B. **Residential homes and facilities.** (5/98)
- C. **Child day care service, including family day care provider.** (5/98)
- D. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- E. **Landscape counseling and planning (0781).** (5/98)
- F. **Offices for any use listed in SIC Division C - Construction.** (5/98)
- G. **Commercial printing (275).** (5/98)
- H. **Transportation, Communication and Utilities.** (5/98)
 - 1. **Public utility structures and buildings.** (5/98)
 - 2. **Post office (43).** (5/98)
 - 3. **Travel agency (4722).** (5/98)
 - 4. **Communications (48).** (5/98)
- I. **Retail Trade.** (5/98)

1. **Building materials, hardware, retail nurseries, and garden supply (52), BUT EXCLUDING mobile home dealers (527).** (5/98)
2. **General merchandise stores (53).** (5/98)
3. **Food stores (54).** (5/98)
4. **Automobile, recreational vehicle or trailer sales (55), BUT EXCLUDING gasoline service stations (554).** (5/98)
5. **Apparel and accessory stores (56).** (5/98)
7. **Furniture, home furnishings, and equipment stores (57).** (5/98)
8. **Eating and drinking places (58) except as provided in Section 2.108.04.C, below.** (5/98)
9. **Miscellaneous retail (59), BUT EXCLUDING fuel and ice dealers (598).** (5/98)
10. **Electrical and lighting shops and office machines and equipment stores.** (5/98)

J. Business, Professional and Social Services. (5/98)

1. **Finance, insurance and real estate (60, 61, 62, 63, 64, 65, 67).** (5/98)
2. **Hotels, motels and tourist courts (701).** (5/98)
3. **Organization hotels and lodging houses on membership basis (704).** (5/98)
4. **Personal services (72) BUT EXCLUDING industrial launderers (7218).** (5/98)
5. **Business services (73) BUT EXCLUDING disinfecting and exterminating services (7342).** (5/98)
6. **Parking lots (7523) except as provided in Section 2.108.04.C, below.** (5/98)
7. **Miscellaneous repair services (76).** (5/98)
8. **Motion pictures (78), BUT EXCLUDING drive-ins (7838).** (5/98)

10. **Amusement and recreation (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996).** (5/98)
 11. **Health services (80), BUT EXCLUDING hospitals (806).** (5/98)
 12. **Legal services (81).** (5/98)
 13. **Elementary and secondary schools (8211).** (5/98)
 14. **Correspondence schools and vocational schools (824).** (5/98)
 15. **Schools and educational services not elsewhere classified (829).** (5/98)
 16. **Social services (83).** (5/98)
 17. **Museums, art galleries, botanical and zoological gardens (84).** (5/98)
 18. **Membership organizations (86).** (5/98)
 19. **Miscellaneous services (89).** (5/98)
- K. **Public Administration (91 - 97).** (5/98)
- L. **Child foster home for five or fewer children as a secondary use.** (6/99)

2.110.03 Special Permitted Uses

The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the CM zone:

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures and uses** prescribed in Section 2.203. (5/98)
- E. The following **special uses** subject to the applicable standards in Section 2.4:
 1. **Shared housing facilities (Section 2.403).** (5/98)
 2. **Zero side yard dwelling units (Section 2.404).** (5/98)

3. **Home occupations** (Section 2.407). (5/98)
4. **Bed and breakfast establishments** (Section 2.408). (5/98)
5. **Residential sales offices** (Section 2.409). (5/98)
6. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
7. **Boat and RV storage area** (Section 2.411) except as provided in Section 2.108.04.C, below. (5/98)
8. **House of Worship** (Section 2.423). (5/98)
9. **Recreational vehicle storage space** (Section 2.413) except as provided in Section 2.108.04.C, below. (5/98)
10. **Veterinary services** (074) (Section 2.414). (5/98)
11. **Funeral service and crematories** (726) (Section 2.415). (5/98)
12. **Used Merchandise Store** (Section 2.417)
13. **Adult entertainment business** (Section 2.418). (5/98)
14. **Service stations** (554) (Section 2.419) except as provided in Section 2.110.04.C, below. (5/98)
15. **Recreational vehicle parks** (7033) (Section 2.412) except as provided in Section 2.108.04.C, below. (5/98)
16. **Automobile services** (75) (Section 2.420) except as provided in Section 2.110.04.C, below. (5/98)
17. **Manufacturing and Assembly Facilities** (Section 2.421). (5/98)
18. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)

2.110.04 Conditional Uses

The following uses may be permitted subject to obtaining a conditional use permit:

- A. **Craft Industries**, subject to the provisions in Section 2.421. (5/98)

2.110.04 Use Restrictions

No permitted or special permitted use shall in any way involve any of the following:

- A. Farm Use. (5/98)
- B. The rendering, processing, or cleaning of animals, fish, seafoods, fowl, poultry, fruits, vegetables, or dairy products for wholesale use. (5/98)
- C. The following uses are prohibited at the following locations: (1) From any property fronting on River Road or Chemawa Road in the following area: the west side of River Road between 5119 River Road on the north and Janet Avenue extended on the south; the east side of River Road between Claggett Street on the north and James Avenue on the south; and either side of Chemawa Road between Elizabeth Street on the west and Bailey Road on the east; and (2) Any property contained within the Area B as described in the Keizer Station Plan. This prohibition does not apply to any business facility, legally established as of the date of the adoption of this Ordinance, which as of that date has drive-through window facilities. (5/98)
 - 1. Gasoline service stations (554). (5/98)
 - 2. Drive-Through windows or car service associated with eating and drinking places (58). (5/98)
 - 3. Vehicle sales and secondary repair. (5/98)
 - 4. Public utility structures and buildings. (5/98)
 - 5. Recreational vehicle parks (7033). (5/98)
 - 6. Automobile parking not associated with an allowed use (752). (5/98)
 - 7. Automotive Dealers (55). (5/98)
 - 8. Automotive rental and leasing, without drivers (751). (5/98)
 - 9. Automotive repair shops (753). (5/98)
 - 10. Automotive services, except repair (754). (5/98)
 - 11. Utilities - secondary truck parking and material storage yard. (5/98)
- D. A limitation to the total floor area, as defined in the Keizer Development Code, for retail uses is required within the Keizer Station Plan. Each sub-area is limited with a specific amount of floor area for retail uses. The CM zone is located within Area B – Retail Service Center of the Keizer Station

Plan. The following limitation on total floor area for retail uses within the CM zone for this area is 25,000 square feet for uses identified in Sections 2.110.02 (I) and 2.110.03 (E) (12) -- (14).

2.110.05 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Single Family	Duplex or Multi-Family	Commercial	Mixed Use
Lot Size	4,000 sq. ft. (1)	6,000 sq. ft. (2)	None (3)	None (3)
Average Width	40 feet	50 feet	None	None
Average Depth	70 feet	80 feet	None	None
Maximum Height	35 feet	50 feet	50 feet	50 feet

- (1) *A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)*
- (2) *Multi-family development must comply with the density standard in Section 2.107.06. (5/98)*
- (3) *Parcel size shall be adequate to contain all structures within the required yard setbacks and, where applicable, comply with residential density standards in Section 2.107.06. (5/98)*

B. Minimum Yard Setback Requirements

SETBACKS	Single Family or Duplex	Multi-Family	Commercial	Mixed Use
Front	10 feet	10 feet	10 feet	10 feet
Side	5 feet (1)	(3)	(3)	(3)
Rear	(2)	(3)	(3)	(3)
Street-side (4)	10 feet	10 feet	10 feet	10 feet
Garage entrance (5)	20 feet (5)	20 feet (5)	20 feet (5)	20 feet (5)

- (1) *Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)*
- (2) *The rear yard setback shall be as follows: 14 feet for a 1-story home, 20 feet for a 2-story home. (5/98)*
- (3) *The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. For the CM zone, the rear yard setback is 0 feet. (5/98)*
- (4) **Setbacks are measured from property lines, not easement lines.**
However, no structure shall be placed any closer than five feet from the

edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)

- (5) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks.* (5/98)

2.110.06 Development Standards

All development in the CM Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements. If a conflict exists with a specific standard found in this section and a standard found elsewhere in this Ordinance, the standard in this section shall govern. (5/98)

A. Off-street parking:

1. Parking shall be as specified in Section 2.303. In the event that on-street parking is provided, on-street parking that abuts the property can be used to meet the standard. (5/98)
2. No off-street parking is required for uses above the ground floor. (5/98)
3. The off-street parking requirement for residential uses is one space per unit. (5/98)
4. If mixed uses on the ground floor exhibit peak parking demand at different times, the resulting parking requirement is limited to the number of spaces generated at the highest combined peak demand at any one particular time. (For example, if there is a movie theater exhibiting peak parking demand between 7:00 and 10:00 PM with a total requirement of 100 spaces, and a pet store exhibiting peak demand between 1:00 and 5:00 PM with a requirement of 50 spaces, the total requirement for the building would be 100 spaces.)

B. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)

C. Yards and Lots. Yards and lots shall conform to the standards of Section 2.312. (5/98)

D. Signs. Signs shall conform to the requirements of Section 2.308. (5/98)

- E. Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- F. Storage, Trash, and Service Functions:** Storage areas, trash, recycling, utilities and other service functions shall be located within the main structure if possible. If any of the above functions are located outside the main structure, the area containing the function must be screened with a solid, durable structure that is architecturally related to the building. (5/98)
- G. Landscaping-General:** All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309.
- 1.** The minimum landscaped area requirements shall be as follows:

Commercial development:	10%
Mixed commercial and residential development:	15%
Residential development:	20%
 - 2.** Properties located within Area B as defined in the Keizer Station Plan shall have a 20-foot landscape buffer along all property lines adjacent to any residential zone. Landscape and buffer requirements shall be met as defined in the Keizer Station Plan.
- H. Landscaping-Parking Lots:** One tree shall be provided for every eight parking spaces in parking lots. The trees shall be dispersed throughout the parking lot in minimum four by four foot planters located between parking spaces. (5/98)
- I. Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be as follows: (5/98)
- | | <u>Max.</u> | <u>Min</u> |
|---|-------------|------------|
| Commercial development: | 90% | 50% |
| Mixed commercial and residential development: | 85% | 50% |
| Residential development: | 80% | 50% |
- J. Density:** The maximum residential density shall be 24 units per acre and minimum residential density shall be 8 units per acre. Developments limited exclusively to residential uses and containing less than 8 dwelling units per acre are allowed if they comply with the following: (5/98)
- 1.** No more than 50% of the property shall be occupied. The occupied area shall include all buildings, accessory structures, driveways, parking and required landscaping. (5/98)

2. The remaining undeveloped portion of the property shall be in one contiguous piece. Access to a public street, in conformance with Ordinance requirements, shall be available. The undeveloped portion shall have sufficient width and depth to be developed for additional residential, or commercial, uses. (5/98)

2.110.07 Design Standards

All development in the CM Zone shall comply with the applicable design standards described below:

- A. Building Design Standards. Primary buildings shall comply with the following design standards: (5/98)
 1. Design Standards - Unless specifically modified by provisions in this Section, buildings located within the CM zone shall comply with the following standards: (5/98)
 - a. Single family homes shall comply with the design standards in Section 2.314. (5/98)
 - b. Multi-family buildings and non-residential structures shall comply with the provisions in Section 2.315 - Design Standards. (5/98)
- B. Circulation - Circulation standards apply for projects that are applicable and are developed within the River and Chemawa Specific Area boundaries. As stated in the Specific Plan: (5/98)
 1. Streets - New streets shall conform to the street sections depicted in Figure 10 in the Specific Plan. In cases where the right-of-way varies, the sidewalk may need to be provided in an easement or private property. New Streets shall be provided in accordance with the Circulation Plan (Figure 9 in the Specific Plan). (5/98)
 2. Internal Driveway Connections - Where possible, internal parking lot driveways shall be designed to connect from parcel to parcel to allow travel through the site without the need to access a public street. (5/98)
 3. Pedestrian Ways - Where indicated on the Development Plan and Circulation Plan in the Specific Plan Specific Plan, 10 foot wide pedestrian pathways shall be provided across development parcels. The pathways shall be improved with distinctive paving material that differentiates the pathway from any adjoining parking area. Where crossing parking area, the pathways shall be raised and shall include a minimum two feet landscape planter between the pathway and the adjoining parking lot. (5/98)

2.107 MIXED USE (MU)

2.107.01 Purpose

The Mixed Use (MU) zone promotes development that combines commercial and residential uses in a single building or complex. This zone will allow increased development on busier streets without fostering a strip commercial appearance. The zone encourages the formation of neighborhood "nodes" of activity where residential and commercial uses mix in a harmonious manner. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new housing opportunities in the City. (5/98)

The emphasis of the nonresidential uses is primarily on locally-oriented retail, service, and office uses. Commercial development will consist primarily of businesses on the ground floor with housing on upper stories. Clusters of residential and commercial uses around landscaping features or parking areas will also occur. Development is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk. Parking may be shared between residential and commercial uses. (5/98)

The Mixed Use zone is suitable for the Medium Density Residential, Medium-High Density Residential and Mixed Use Comprehensive Plan designations. (5/98)

2.107.02 Commercial & Residential Regulations for Keizer Station

Property located within the MU zone in the Keizer Station Plan must be developed as 75% residential and 25% commercial in use. Residential development shall meet minimum density requirements as identified in this section. A master plan shall be required for any development in this sub-area as defined by the Keizer Station Plan.

2.107.02 Permitted Uses

The following uses, when developed under the applicable development standards in the Zoning Ordinance, are permitted in the MU zone:

- A. **One or more buildings with one or more dwelling units** or guest rooms on a lot. (5/98)
- B. **One or more buildings with one or more dwelling units** or guest rooms and one or more other uses allowed in this section on a lot. (5/98)
- C. **Residential homes** and facilities. (5/98)
- D. **Child day care service**, including family day care provider. (5/98)

- E. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- F. **Public or private utility substation**, but excluding electrical substation. (5/98)
- G. **Landscape counseling and planning (078)**. (5/98)
- H. **Transportation, Utilities and Communication**. (5/98)
 - 1. **Travel agency (4722)**. (5/98)
 - 2. **Communication (48) BUT EXCLUDING** communication services, not elsewhere classified (489). (5/98)
 - 3. **Public utility structures and buildings**. (5/98)
- I. **Retail Trade:** The following retail commercial uses are allowed:
 - 1. **General merchandise stores** provided all display is within a building and further provided the gross floor area shall not exceed 10,000 square feet (53). (5/98)
 - 2. **Food stores** provided all display is within a building and further provided the gross floor area shall not exceed 10,000 square feet (54). (5/98)
 - 3. **Apparel and accessory stores** and further provided the gross floor area shall not exceed 10,000 square feet (56). (5/98)
 - 4. **Home furnishing, appliance and equipment stores** provided all display is within a building and further provided the gross floor area shall not exceed 10,000 square feet (57). (5/98)
 - 5. **Eating and drinking places** and further provided the gross floor area shall not exceed 10,000 square feet (58). (5/98)
 - 6. **Retail, miscellaneous** provided all display is within a building and further provided the gross floor area shall not exceed 10,000 square feet (59) **BUT EXCLUDING** non-store retailers (596) and fuel and ice dealers (598). (5/98)
- J. **Business, Professional and Social Services:** The following business and professional and service oriented uses are allowed:
 - 1. **Finance, insurance and real estate** (60, 61, 62, 63, 64, 65, 67). (5/98)
 - 2. **Hotels, motels and lodging facilities (701)**. (5/98)

3. **Personal services (72) BUT EXCLUDING:** power laundries, family and commercial (7211), linen supply (7213), dry cleaning plants, except rug cleaning (7216), carpet and upholstery cleaning (7217); and industrial launders (7218). (5/98)
 4. **Business services (73) BUT EXCLUDING** disinfecting and exterminating services (7342), building and cleaning services (7349), and equipment rental (735). (5/98)
 5. **Watch, clock and jewelry repair (763).** (5/98)
 6. **Recreational or athletic clubs.** (5/98)
 7. **Health services (80) BUT EXCLUDING** hospitals (806). (5/98)
 8. **Legal services (81).** (5/98)
 9. **Miscellaneous services (89).** (5/98)
 10. **Community or neighborhood clubs.** (5/98)
 11. **Parking lots.** (5/98)
- K. **Public administration (91 - 97).** (5/98)

2.107.03 Special Permitted Uses

The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the MU zone:

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures and uses** prescribed in Section 2.203.02. (5/98)
- E. The following special uses subject to the applicable standards in Section 2.4:
 1. **Shared housing facilities** (Section 2.403). (5/98)
 2. **Zero side yard dwelling units** (Section 2.404). (5/98)
 3. **Home occupations** (Section 2.407). (5/98)

4. **Bed and breakfast establishments** (Section 2.408). (5/98)
5. **Residential sales offices** (Section 2.409). (5/98)
6. **Public golf course** (SIC 7992) or membership recreation club having golf course (SIC 7997) (Section 2.410). (5/98)
7. **Boat and RV storage area** (Section 2.411). (5/98)
8. **House of Worship** (Section 2.423). (5/98)
9. **Recreational vehicle storage space** (Section 2.413). (5/98)
10. **Electrical substations** (Section 2.426). (5/98)
11. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)
12. **Transit Station (Section 2.429)** (CC 09-09-02)

2.107.04 Conditional Uses

The following uses may be permitted subject to obtaining a conditional use permit:

- A. **Craft Industries**, subject to the provisions in Section 2.421. (5/98)

2.107.04 Use Restrictions

No permitted or special permitted use shall in any way involve any of the following:

- A. Farm Use. (5/98)
- B. The rendering, processing, or cleaning of animals, fish, seafoods, fowl, poultry, fruits, vegetables, or dairy products for wholesale use. (5/98)
- C. Any outdoor display or storage of merchandise or materials. (5/98)
- D. A limitation to the total floor area, as defined in the Keizer Development Code, for retail uses is required within the Keizer Station Plan. Each sub-area is limited with a specific amount of floor area for retail uses. Retail uses in the MU zone within Area C – Keizer Station Center of the Keizer Station Plan are restricted to the to a total floor area as defined in the Keizer Station Plan. The limitation on total floor area for retail uses within Area C – Keizer Station Center is 65,000 square feet for uses identified in Sections 2.107.02 (I).

2.107.05 Dimensional Standards**A. Minimum Lot Dimension and Height Requirements**

DIMENSION	Singe Family	Duplex or Multi-Family	Commercial	Mixed Use
Lot Size	4,000 sq. ft. (1)	6,000 sq. ft. (2)	None (3)	None (3)
Average Width	40 feet	50 feet	None	None
Average Depth	70 feet	80 feet	None	None
Maximum Height	35 feet	50 feet	50 feet	50 feet

- (1) A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)
- (2) Multi-family development must comply with the density standard in Section 2.105.05. (5/98)
- (3) Parcel size shall be adequate to contain all structures within the required yard setbacks and, where applicable, comply with residential density standards in Section 2.106.06. (5/98)

B. Minimum Yard Setback Requirements

SETBACKS	Single Family or Duplex	Multi-Family	Commercial	Mixed Use
Front	10 feet	10 feet (1)	10 feet (1)	10 feet (1)
Side	5 feet (2)	(4)	(4)	(4)
Rear	(3)	(4)	(4)	(4)
Street-side (4)	10 feet	10 feet	10 feet	10 feet
Garage entrance (5)	20 feet	20 feet	20 feet	20 feet

- (1) For all MU zoned property fronting Cherry Avenue south of Mambrin Drive the minimum setback shall be 5 feet and the maximum shall be 10 feet for yards adjacent to Cherry Avenue. The maximum setback shall apply to the primary wall of the building. Indentations in the primary wall, such as alcoves, courtyards, etc. have no maximum setback. (5/98)
- (2) Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)
- (3) The rear yard setback shall be as follows: 14 feet for a 1-story home; 20 feet for a 2-story home. (5/98)
- (4) The rear and side yard setbacks adjacent to a residential zone shall be no less than the minimum rear yard setback of the zone on the adjacent

property. In no case shall the setback be less than 10 feet, except there is no required setback adjacent to a non-residential zone. (5/98)

(5) Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)

(6) The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)

2.107.06 Development Standards

All development in the MU Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements:

- A Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B Design Standards -** Unless specifically modified by provisions in this Section, buildings located within the MU zone shall comply with the following standards: (5/98)
 - 1 Single family homes** shall comply with the design standards in Section 2.314. (5/98)
 - 2 Residential structures with four or more attached dwelling units and non-residential structures** shall comply with the provisions in Section 2.315 - Development Standards. (5/98)
 - 3 For MU zoned property fronting Cherry Avenue south of Mambrin Drive;** residential use shall occupy no less than 35% and no more than 65% of the building floor area on any property. (5/98)
- C Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)

- G Landscaping:** All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309. The minimum landscaped area requirements shall be as follows: (5/98)

Commercial development:	15%	
Mixed commercial and residential development:	20%	
Residential development:	25%	

- H Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be as follows: (5/98)

Commercial development:	85%	
Mixed commercial and residential development:	80%	
Residential development:	75%	

I Density:

1. For property zoned MU as identified in the Keizer Station Plan, the minimum density for subdivisions, partitions, multi-family or any residential development shall be a minimum 8 units per acre and a maximum 22 24 units per acre, except there shall be no minimum residential density requirement for multi-family development within a mixed use building.
2. The minimum density for multi-family development shall be 8 units per acre; the maximum density shall be 24 units per acre, except there shall be no minimum residential density requirement for multi-family development within a mixed use building. (5/98)

2.429 TRANSIT STATION

A Transit Station functions as a major transfer point for transit passengers between various transportation modes. The Transit Station site provides for the exclusive or priority operations of transit vehicles. A Transit Station is a significant element of the transportation system because it increases transit connections between a variety of destinations.

Where permitted as a special use, a transit stations shall meet the following additional use and development standards.

- A. The applicant shall submit a plan that includes at a minimum:
 - 1. Justification of the area required for the use;
 - 2. The need for the facility at the proposed location;
 - 3. If a park-and-ride facility is proposed, justification of the lot area, number of spaces and any accessory facilities; and
 - 4. Traffic impact with proposed measure to mitigate the impact on surrounding properties and streets.
- B. The applicant shall submit a plan that includes at a minimum:
 - 1. Adequate auto parking areas;
 - 2. Passenger waiting areas;
 - 3. Separate drop-off and pick-up area;
 - 4. Bicycle parking and connecting facilities; and
 - 5. Access to transit vehicles.
- C. A Transit Station shall have access to a major collector, arterial or limited access road.

2.113 INDUSTRIAL BUSINESS PARK (IBP)

2.113.01 Purpose and Uses

- A. **Purpose.** The IBP zone is intended to provide for high quality light industrial and office parks with related commercial uses. It sets high design standards focusing on visual aesthetics, while providing a framework for the marketplace to work within creating vibrant, economically viable commerce centers. (5/98)
- B. **Classification of Uses:** Most permitted, special, and conditional uses are classified with reference to the Standard Industrial Classification (SIC), Manual, Numbers in parenthesis following a use designation indicate that the use is listed and described under the number in the SIC. Where particular activities otherwise included under a SIC category are excluded from the permitted, a special, or conditional uses, those particular activities are listed, preceded by the words, "BUT EXCLUDING" following the more general category from which they are excluded. Particular activities thus excluded may or may not be listed in other sections of this chapter. The IBP zone may be utilized in conjunction with overlay zones, such as the AC (Activity Center) overlay zone used within the ~~Ghemawa Activity Center~~ Keizer Station Plan, which may include use and development standards which are more restrictive than those found in this chapter. (5/98)

2.113.02 Permitted Uses. (5/98)

The following uses, when developed under the general development standards in this zoning code applicable to the IBP district and to all such uses, generally, are permitted in the IBP district:

- A. **Agriculture forestry and fishing;**
 - 1. Agricultural production-crops (01). (5/98)
- B. **Manufacturing;**
 - 1. Grain mill products. (5/98)
 - 2. Bakery products. (5/98)
 - 3. Beverages. (5/98)
 - 4. Miscellaneous food preparations and kindred products. (5/98)

5. The manufacture of meat products but excluding both meat packing plant and any on site abattoirs and slaughtering, rendering of fats, processing of hides and maintenance of live animals or fowl. (5/98)
6. Textile mill products. (5/98)
7. Apparel and other finished products made from fabrics and similar products. (5/98)
8. Wood kitchen cabinets. (5/98)
9. Nailed and lock corner wood boxes and shook. (5/98)
10. Wood products, not elsewhere classified. (5/98)
11. Furniture and fixtures. (5/98)
12. Paperboard containers and boxes. (5/98)
13. Printing, publishing, and allied industries. (5/98)
14. Drugs. (5/98)
15. Soaps detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations. (5/98)
16. Miscellaneous plastic products. (5/98)
17. Leather and leather products BUT EXCLUDING leather tanning and finishing. (5/98)
18. Glass products, made of purchased glass. (5/98)
19. Pottery and related products. (5/98)
20. Metal cans and shipping containers. (5/98)
21. Cutlery, hand tools, and general hardware. (5/98)
22. Heating equipment, except electric and warm air, and plumbing fixtures. (5/98)
23. Fabricated structural metal products. (5/98)
24. Screw machine products, and bolts, nuts, screws, rivets, and washers. (5/98)

25. Metal forgings and stampings. (5/98)
26. Metalworking machinery and equipment. (5/98)
27. Special industry machinery, except metalworking machinery. (5/98)
28. Pumps and pumping equipment. (5/98)
29. Office, computing, and accounting machines. (5/98)
30. Electrical and electronic machinery, equipment, and supplies. (5/98)
31. Transportation Equipment. (5/98)
32. Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks. (5/98)
33. Miscellaneous manufacturing industries. (5/98)

C. Transportation, communications, electric, gas, and sanitary services;

1. Motor freight transportation and warehousing. (5/98)
2. Communication. (5/98)
3. Public Utility Structures and Buildings. (5/98)

D. Wholesale trade-nondurable goods BUT EXCLUDING poultry and poultry products, livestock, farm-product raw materials, not elsewhere classified, chemicals and allied products, tobacco and tobacco products, and nondurable goods, not elsewhere classified. (5/98)

E. Wholesale trade-durable goods BUT EXCLUDING automobiles and other motor vehicles, lumber and other construction materials, coal and other minerals and ores, construction and mining machinery and equipment and scrap and waste materials. (5/98)

F. The uses (b) through (e), excluding c) iii) shall:

1. Be within an enclosed building; and
2. Permit retail sales of products manufactured on the site. (5/98)

G. Services

1. Computer and data processing services. (5/98)
2. Research and development laboratories. (5/98)
3. Management, consulting, and public relations services. (5/98)
4. Noncommercial educational, scientific, and research organizations. (5/98)

H. Public administration;

1. Fire protection. (5/98)

I. Office Uses;

1. Any use allowed in Section 2.108, Commercial Office excluding those residential uses listed in 2.108.02.A, B, C, PP, and RR. (5/98)

J. Retail trade;

1. Eating and drinking places. (5/98)

K. Finance, Insurance, and Real Estate;

1. Commercial and Stock Savings Banks. (5/98)
2. Mutual Savings Bank. (5/98)
3. Savings and Loan Associations. (5/98)
4. Personal Credit Institutions. (5/98)

L. Services

1. Hotels, motels, and tourist courts. (5/98)
2. Child daycare services. (5/98)
3. Membership sports and recreation clubs. (5/98)
4. Amusement and recreation (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996). (5/98)

5. Public and private sports facilities including but not limited to stadiums, arenas, ice rinks, parks, and aquatic facilities. (5/98)

6. Miscellaneous services. (5/98)

M. **Transit stop shelters.** (5/98)

N. **Flexible Space Uses**

1. The following uses, when restricted, developed, and conducted as required in subsection 2 below, are permitted in the IBP district

a. Food Stores (54). (5/98)

b. Apparel and Accessory Stores (56). (5/98)

c. Furniture, Home Furnishings and Equipment Stores (57). (5/98)

d. Miscellaneous Retail; BUT EXCLUDING used merchandise stores (59). (5/98)

e. Business Services. (5/98)

f. Miscellaneous Repair Services. (5/98)

g. **Within Area A "Sports" of the Keizer Station Plan boundary:**

1) Recreational Vehicle Parks and Campsites (7033).

h. **Within Area D of the Keizer Station Plan boundary:**

1) General Merchandise Stores (5399).

2) Gasoline Service Stations (554) in accordance with Section 2.419.

2. In the Keizer Station Plan where Flexible Space uses are to be developed within the IBP district, the following development limits apply;

a. No single building shall be more than 25,000 square feet in area, with no more than 10,000 square feet to be utilized for any individual use listed in subsection (a)(i)-(iv). (5/98)

- b. The aggregate floor area for uses devoted to food stores (54), apparel and accessory stores (56), furniture, home furnishings, and equipment stores (57), and miscellaneous retail (59) shall not exceed two percent of the total land area in the IBP district. "IBP district" is defined as contiguous, IBP zoned property including any internal public streets. (5/98)
- c. The area developed in all flexible space uses, not including Recreational Vehicle Parks and Campsites, shall in the aggregate not exceed 30 percent of the gross area of the IBP district. (5/98)
- d. Any outdoor storage area shall:
 - i. Be no more than 3,000 square feet per building and shall not be aggregated with the storage of another building;
 - ii. Be enclosed with a sight-obscuring fence or wall;
 - iii. Have at least one side conterminous with the building that it serves;
 - iv. Have no opening within fifty feet and visible from any property boundary; and
 - v. Meet the other applicable requirements of this ordinance. (5/98)
- e. Loading doors shall have no opening within seventy five feet and visible from any street or property boundary. (5/98)
- f. Buildings fronting a street and within fifty feet of an abutting property shall have glass frontage not less than thirty-five percent of the area of the street front wall. (5/98)
- g. All buildings shall be capable of development as flexible industrial space. (5/98)

N. Wireless Telecommunications Facilities (Section 2.427). (5/98)

2.113.03 Prohibited Uses. (5/98)

A. The following uses are prohibited on properties within the Keizer Station Plan boundary:

1. Manufacturing of grain mill products (204)

2. Manufacturing of biological products, except diagnostic substances (2836)
 3. Soaps, detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations (284)
 4. Miscellaneous plastic products (308)
 5. Motor freight transportation and warehousing (42)
- B. Within any IBP district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under this chapter. (5/98)

2.113.04 Retail Use Restrictions within Keizer Station Plan.

A limitation to the total floor area, as defined in the Keizer Development Code, for retail uses is required within the Keizer Station Plan. Each Area/sub-area is limited with a specific amount of floor area for retail uses. The IBP zone is located within two separate sub-areas within the Keizer Station Plan; Area A – Sports and Entertainment Center and Area D – Commerce Center. The following limitations on total floor area for retail uses within each sub-area for uses identified in Section 2.113.02 (J) and (N). The limitations on total floor area for retail uses for each sub-area are: (1) Area – A Sports and Entertainment Center is 15,000 square feet; and (2) Area – D Commerce Center is 70,000 square feet.

2.113.05 Industrial Performance Standards. (5/98)

In an IBP district no land or structure shall be used or occupied unless maintained and operated in continuing compliance with all applicable standards adopted by the Oregon Department of Environmental Quality (DEQ), including the holding of all licenses and permits required by DEQ regulation, local ordinance, and state and federal law. (5/98)

2.113.06 Development Standards

- A. **Design Standards** – Unless specifically modified by provisions in this Section, buildings located within the IBP zone shall comply with the Development Standards in Section 2.315. (5/98)
- B. **Location Standards. (5/98)**
 1. Each IBP district shall have direct access onto an arterial or collector street. (5/98)

2. Access to a local street abutting the district shall not be permitted from any lot within the IBP district; except that, access may be permitted to a local street if 75 percent of the property is zoned industrial or designated industrial in the Keizer Comprehensive Plan along both sides of the street for a distance of 600 feet from the center line of a proposed access in both directions along the street, or for the distance from said centerline to the next intersecting arterial or collector street in both directions, whichever is less. (5/98)
 3. Calculation of the percent of industrial property shall be based upon the street frontage of properties having frontage on the local street within the described distance of the centerline of the proposed access. (5/98)
 4. The Zoning Administrator may require street right-of-way and improvements for streets abutting or within the IBP district in accordance with the Development Code, except that for local streets to which access is not allowed under 2. above, the Zoning Administrator may only require right-of-way dedication, and not improvements. (5/98)
- C. **Height.** Within the IBP district buildings and structures erected, altered or enlarged shall not exceed 100 feet in height, except for the area within 50 feet of any residential zone where the maximum height shall be 15 feet. (5/98)
- D. **Lot Area and Dimensions.** There are no minimum lot area requirements in an IBP district. (5/98)
- E. **Yards Adjacent to Streets.** Within an IBP district:
1. Along the full extent of each lot line adjacent to a street, there shall be a required yard 20 feet in depth. (5/98)
 2. Setbacks for accessory building and structures, except fences, shall be the same as for primary buildings. (5/98)
 3. No parking will be allowed in required yards. (5/98)
 4. No buildings or structures except transit shelters approved by the Salem Area Transit District shall be permitted in a required yard adjacent to a street. (5/98)
- F. **Yards Adjacent to Other Districts.** (5/98)

1. Where an IBP district within the ~~Chemawa Activity Center~~ Keizer Station Plan abuts any other district, except another "I" district, directly or across an alley, there shall be a required yard 40 feet in depth adjacent to the lot line separating the IBP district from the abutting district. (5/98)
 2. Where an IBP district not within the ~~Chemawa Activity Center~~ Keizer Station Plan abuts any other district, except another "I" district, directly or across an alley, there shall be a required yard 15 feet in depth plus 1 foot of depth for each foot of building height over 10 feet, adjacent to the lot line separating the IBP district from the abutting district. (5/98)
 3. Where an IBP district within the ~~Chemawa Activity Center~~ Keizer Station Plan abuts another "I" district, directly or across an alley, there shall be a required yard 20 feet in depth adjacent to the lot line separating the IBP district from the abutting district. (5/98)
 4. No buildings or structures shall be permitted in a required yard adjacent to an abutting district. (5/98)
 5. All parking shall be set back at least 20 feet from the lot line separating the IBP district from the abutting district. (5/98)
 6. Driveways shall be set back at least 20 feet from the lot line separating the IBP district from the abutting district, except where the driveway provides direct access to the abutting property or to a street. (5/98)
- G. **Side and Rear Yards.** Notwithstanding Section 2.113.05.F, There are no side or rear yard requirements in the IBP district except:
1. As may be required for a yard adjacent to another district as defined above. (5/98)
 2. Where a side or rear yard is not required but is provided it shall:
 - a. Be at least ten feet in depth;
 - b. Not include buildings, structure, parking or driveways; and
 - c. Be landscaped. (5/98)
 3. Driveways and accessways shall set back at least ten feet from the internal property lines, except where the driveway or accessway provides direct access to an adjacent street, or where a common

driveway is provided along a lot line between two separately owned properties. In case of the latter exception, at least ten feet of landscaped yard shall exist parallel and along each side of the common driveway. (5/98)

H. Lot Coverage.

1. Each lot within an IBP district not within the Keizer Station Plan shall have a least 20 percent of its gross area landscaped; that portion of the required yards, which are landscaped, may be included in the calculation to meet the 20 percent landscaped area. (5/98)
2. Each lot within an IBP district within the Keizer Station Plan shall have a least 10 percent of its gross area landscaped; that portion of the required yards, which are landscaped, may be included in the calculation to meet the 10 percent landscaped area.

I. Open Storage

1. Open storage of materials and equipment is prohibited in required yards, but is otherwise permitted provided that such storage is enclosed with a sight-obscuring fence, wall or berm at least six feet in height, or a sight obscuring hedge no less than four feet in height and capable of obtaining a height of six feet within two years, any of which shall be located on the property at the required set back line in the same manner as if such berm, fence, wall, or hedge were a building. (5/98)
2. Materials and equipment stored as permitted in this section shall be no more than 14 feet in height above the elevation of the storage area. (5/98)

J. Landscaping

1. Landscaping shall meet the requirements of the Keizer Development Code as well as the following requirements. (5/98)
2. Required yards shall include the following plant materials:. (5/98)

Number of Plant Units or Square Feet of Living Ground Cover Per 1000 Square Feet of Landscaped yard

Plant Type	Boundary of IBP District	Other Locations
Trees	2	1

Shrubs	5	3
Evergreens and Conifers	1	
Living Ground Cover	500 sq. ft.	500 sq. ft.

3. Plant units shall be distributed not less than two units per each 100 linear feet of boundary or lot line and each ten feet of depth. (5/98)
4. Plant units meeting the above standards shall also be planted and maintained in any planting strip or area within the public right of way adjacent to a use. Trees within the planting strip shall be in conformance with City standards for street trees. (5/98)

K. **Off-Street Parking and Loading.** Within an IBP district all uses shall meet the requirements of the Parking Chapter of the Keizer Development Code as well as the additional requirements of this section:

1. Parking

- a. All parking shall be set back at least ten feet from all interior property lines. (5/98)
- b. Transit stop(s) approved, as to location, design and construction, by the Keizer Area Transit District may satisfy five percent of the parking space requirements for building sites located within 400 feet of any such transit stop(s). (5/98)
- c. A ride sharing program approved by the Director of Public Works may satisfy five percent of the parking space requirements. (5/98)
- d. Bicycle parking at a ratio of one bicycle space for each twenty vehicle parking spaces may satisfy three percent of the parking space requirements. (5/98)

2. Loading

- a. All loading spaces shall be screened from adjacent property by a sight-obscuring fence, wall, hedge, or berm at least four feet in height. (5/98)

2.125 ACTIVITY CENTER OVERLAY ZONE (ACO)

2.125.01 Purpose

The ACO (ACTIVITY CENTER OVERLAY) zone is adopted to implement the policies of the Comprehensive Plan for Activity Centers which include provisions for a mixture of intensive land uses emphasizing employment opportunities, transit and pedestrian facilities, and circulation. (5/98)

2.125.02 Application

The provisions of this Section apply to Activity Centers as identified in the Comprehensive Plan. (5/98)

2.125.03 Uses

Uses allowed in an Activity Center shall be as specified in the underlying district.

2.125.04 Development Standards

All development within an Activity Center is subject to a Type 1-A site design review, and shall also include the following factors:

- A. Activity Center Design Plan. All new developments and expansions of existing developments shall comply with the adopted activity center design plan for each Activity Center. (5/98)
- B. Site Master Plan. Developments in an activity center shall be required to submit a master plan for approval as part of the application process. The elements of such master plan shall include, but are not limited to, the following: (5/98)
 - 1. A master plan map showing the location of land uses, open spaces, and pedestrian and vehicular circulation and a written explanation showing how these features achieve the purpose of the activity center design plan. (5/98)
 - 2. For any project for which the projected average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated. (5/98)

2.125.05 Conditions of Approval

The City may attach conditions to any development within an Activity Center to achieve the following objectives:

- A. Transit Orientation. The development shall emphasize transit usage by residents, employees and customers. This may require: (5/98)
 - 1. Orienting building and facilities towards transit services. (5/98)
 - 2. Minimizing transit/auto conflicts. (5/98)
 - 3. Encouraging transit supportive uses. (5/98)
 - 4. Minimizing walking distance to transit stops. (5/98)
 - 5. Avoiding excess parking areas. (5/98)
 - 6. Encouraging shared parking and structures or understructure parking. (5/98)
- B. Pedestrian/Bicycle Circulation. The development shall facilitate pedestrian/bicycle circulation. This may require: (5/98)
 - 1. Providing efficient, convenient, and continuous pedestrian and bicycle transit circulation systems, linking developments with the Activity Center facilities, and surrounding development. (5/98)
 - 2. Separating auto and truck circulation and activities from pedestrian areas. (5/98)
 - 3. Pedestrian-oriented design. (5/98)
 - 4. Pedestrian amenities. (5/98)
 - 5. Bicycle parking. (5/98)
 - 6. Outdoor lighting. (5/98)
- C. Coordination. Coordination of development within an Activity Center area. This may require: (5/98)
 - 1. Continuity and/or compatibility of landscaping, circulation, access, public facilities, and other improvements. (5/98)

2.114 GENERAL INDUSTRIAL (IG)

2.114.01 Purpose

The purpose of the IG (General Industrial) zone is to provide appropriate areas suitable for warehousing primary and secondary processing, packaging, fabricating of finished goods and equipment with related outdoor storage and incidental sales. The General Industrial zone is appropriate in those areas designated General Industrial in the Comprehensive Plan where the location has access to an arterial street or highway for transport of bulk materials and where the noises, lights, odors, and traffic hazards associated with permitted uses will not conflict with local and collector streets. (5/98)

2.114.02 Permitted Uses

The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the IG zone:

- A. **Dwelling unit or guest room for a caretaker** or watchman on the premises being cared for or guarded. (5/98)
- B. **Recycling depots.** (5/98)
- C. **Agricultural services** (07). (5/98)
- D. **Construction contractor's offices** and related outdoor storage (15, 16, 17).
- E. **Manufacturing and Assembly** (20-39); BUT EXCLUDING: (5/98)
 - 1. Pulp, paper and paper board mills (261, 262, 263, 266). (5/98)
 - 2. **Agricultural chemicals** (287) and miscellaneous chemical products (289). (5/98)
 - 3. **Leather tanning and finishing** (311). (5/98)
 - 4. **Cement** (324); **structural clay products** (325), **concrete, gypsum and plaster products** (327) and **abrasive, asbestos and miscellaneous non-metallic mineral products** (329). (5/98)
 - 5. **Metal forgings and stamping** (346) and **ordnance and accessories** (348). (5/98)
 - 6. **Storage batteries** (3691) and **primary batteries** (3692),. (5/98)
- F. **Transportation, utilities and communication** (40 - 49), BUT EXCLUDING travel agencies (4722). (5/98)

- G. **Wholesale trade** (50, 51), BUT EXCLUDING scrap and waste materials establishments (5093) livestock (5154). (5/98)
- H. **Food stores and eating and drinking places** (58). (5/98)
- I. **Business and Professional Services:** The following business and professional services are permitted provided the gross floor area shall not exceed 10,000 square feet. (5/98)
 - 1. Cleaning services, including power laundries, family and commercial (7211), dry cleaning plants (7216), carpet and upholstery cleaning (7217), industrial launderers (7218) and laundry and garment services, not elsewhere classified (7219). (5/98)
 - 2. Business services (73). (5/98)
 - 3. Repair shops and related services, not elsewhere classified (7699). (5/98)
 - 4. Vocational schools; except vocational high schools, not elsewhere classified (8249). (5/98)
 - 5. Miscellaneous services (89). (5/98)
- J. **Research, development and testing services** (873)
- K. **Fire protection** (9224). (5/98)
- L. **Public and Private Utilities.** (5/98)
- M. **Uses clearly accessory to and subordinate to the above.** (5/98)

2.114.03 Special Permitted Uses

The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the IG zone:

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203. (5/98)

E. The following special uses subject to the applicable standards in Section 2.4:

1. **Energy facility** (Section 2.425). (5/98)
2. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)

2.114.04 Conditional Uses

All uses in SIC categories 20 to 51 and not specifically identified as a permitted use in, or specifically excluded from, Section 2.114.03 may be established by a conditional use permit. The following shall also require a conditional use permit:

- A. **Wrecking yards**. (5/98)
- B. **Solid waste transfer facility**. (5/98)

2.114.05 Prohibited Uses

A. The following uses are prohibited on properties within the Keizer Station Plan boundary:

1. Manufacturing of grain mill products (204)
2. Manufacturing of biological products, except diagnostic substances (2836)
3. Soaps, detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations (284)
4. Miscellaneous plastic products (308)
5. Motor freight transportation and warehousing (42)

2.114.06 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

LOT SIZE	The parcel size shall be adequate to contain all structures within the required yard setbacks.
STRUCTURE HEIGHT	100 feet (1) (2)

- (1) *Required setbacks shall increase 1 foot for every foot the height exceeds 50 feet.* (5/98)
- (2) Within the Keizer Station Plan boundary, one additional foot in height is permitted for every five feet of additional setback within fifty feet from property lines adjacent to residential uses.

B. Minimum Yard Setback Requirements

ADJACENT PROPERTY USE

SETBACKS	Single Family or Duplex	Multi-Family	Commercial	Industrial
Front	5 feet	5 feet	5 feet	5 feet
Side	(1), (2)	(1), (2)	(1)	(1)
Rear	(1), (2)	(1), (2)	(1)	(1)
Street-side	5 feet	5 feet	5 feet	5 feet
Garage entrance (3)	20 feet	20 feet	20 feet	20 feet

- (1) *The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. For the IG zone, the rear yard setback is 0 feet. (5/98)*
- (2) *A sight-obscuring fence shall contain yards adjacent to residential zones, wall, or hedge a minimum of 8 feet in height. (5/98)*
- (3) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

2.114.06 Development Standards

All development in the IG Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements:

- A. **Off Street Parking.** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the IG zone shall comply with the Development Standards in Section 2.315. A caretaker's dwelling shall comply with the design standards in Section 2.314. (5/98)
- C. **Subdivisions and Partitions.** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots.** Yards and lots shall conform to the standards of Section 2.312. (5/98)

- E. **Signs.** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 10% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The combined maximum building and parking area coverage shall not exceed 90%. (5/98)
- I. **Open Storage:** Open storage of materials used for the manufacture or assembly of goods, and equipment is prohibited in required yards, but is otherwise permitted provided that such storage is enclosed with a sight-obscuring fence, wall, hedge, or berm a minimum of 8 feet in height. (5/98)

1.103 ESTABLISHMENT OF ZONING DISTRICTS

1.103.01 Districts

For the purposes of this Ordinance, the City of Keizer is divided into the following zoning districts:

<u>Classification</u>	<u>Abbreviation</u>
Single Family Residential	RS
Limited Density Residential	RL
Medium Density Residential	RM
High Density Residential	RH
Residential Commercial	RC
Mixed Use	MU
Commercial Office	CO
Commercial Mixed Use	CM
Commercial Retail	CR
Commercial General	CG
Employment General	EG
Industrial Business Park	IBP
General Industrial	IG
Agricultural Industrial	IA
Public	P
Exclusive Farm Use	EFU
Urban Transition	UT

For the purposes of this Ordinance, the following overlay zones are placed in certain areas of the City of Keizer:

Floodplain Overlay Zone	FPO
Greenway Management Overlay Zone	GMO
Limited Use Overlay Zone	LUO
Activity Center Overlay Zone	ACO
Resource Conservation Area Overlay Zone	RCO
Historical Landmark Overlay Zone	HLO

1.103.02 Comprehensive Plan Designation and Zoning Districts

Zone classifications implement the Comprehensive Plan map designations. The following are the zones allowed in each Comprehensive Plan designation:

Comprehensive Plan Designation

Zone Classification

Low Density Residential (LDR)	RS, RC, UT
Medium Density Residential (MDR)	RL, RM, RC, MU
Medium and High Density Residential (MHDR)	RL, RM, RH, RC, MU
Mixed Use (MU)	MU
Commercial (C)	CM, CR, CG, CO
Special Planning District (SPD)	EG
General Industrial (GI)	IG, IBP
Campus Light Industrial (CLI)	IBP
Special Policy Area (SPA)	IA, EFU
Civic (CI)	P
Schools (ES, MS, HS)	P
Park (P)	P

1.103.03 Boundaries

- A. Zoning Map. The zoning district boundaries are shown on the zoning map of the City of Keizer. This map is made a part of this Ordinance and shall be filed in the office of the Zoning Administrator. The Zoning Administrator shall amend the map as required. The map shall be available for public review with copies provided at reasonable cost. (5/98)
- B. Zoning Map Interpretation. The Zoning Administrator shall resolve any dispute over the exact location of a zoning district boundary. In interpreting the location of the zoning boundaries, the Zoning Administrator shall rely on the Keizer Comprehensive Plan Map and the following guidelines:
1. Right-of-way. Boundaries indicated as approximately following the centerline or the right-of-way boundary of streets, highways, railways or alleys shall be construed to follow such centerline or boundary. (5/98)
 2. Lot Lines. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. (5/98)
 3. Water Courses. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerline. (5/98)
 4. Extensions. Boundaries indicated as parallel to or extensions of features indicated in subsections 1., through 3., above shall be so construed. (5/98)

5. **Specific Description.** Where a Plan map designation or zoning action referenced a specific property description, that description shall establish the boundary. Where 2 or more property descriptions establish conflicting boundaries, the most recent description shall govern. (5/98)

C. ~~Procedure for location of Plan Designations and Zones in Area A of the Chemawa Activity Center. The Design Plan for the Chemawa Activity Center, which was adopted in 1997, provides that there shall be 11 acres of commercial property at the southern portion of Area A though the exact location of such property is not determined in the Design Plan. Such land is designated Commercial (C) in the Comprehensive Plan Map and is zoned Commercial Mixed (CM). The remainder of the land in Area A is designated Campus Light Industrial (CLI), and zoned Industrial Business Park (IBP). Notwithstanding any other provisions of this ordinance, the exact location of CLI/IBP and C/CM land in Area A of the Chemawa Activity Center shall be determined by adoption of a master plan in compliance with the adopted Chemawa Activity Center Design Plan. The adoption of the master plan shall be conducted pursuant to the conditional use process and the provisions set forth in the Activity Center Overlay zone, and the provisions in this Chapter regarding zone changes and comprehensive plan changes shall not apply.~~ (5/98)

Keizer Comprehensive Plan Text Amendments

Recommended for Approval by City Council August 5, 2002

III. Findings & Policies

D. Plan Diagram and Special Land Use Policies (Beginning on page 49)

(2) Goals and Policies

(h) Activity Centers

*(Sections 1-8 not listed)

(9) Special Planning District Designation

For properties located within the Keizer Station Plan which are identified for a mix of commercial and industrial development, the Comprehensive Plan map designation shall be Special Planning District (SPD). The SPD is designed to:

- (a) Provide for a mix of commercial and industrial development.
- (b) Identify Special Planning District in northeast sector of Keizer.
- (c) Provide opportunity for employment area service center to develop within the district.
- (d) Allowed uses are to be comparable to industrial business park uses and commercial uses to service employment area service center and the traveling public as described in III.D.2.d.(2) of this Plan.
- (e) Encourage commercial and industrial economic opportunities within Specific Policy Areas as depicted in III.C.3.a.(7).(b) and III.C.4.d.(2) of this Plan.

Other sections within the Keizer Comprehensive Plan referring to the "Chemawa Activity Center" shall be amended to title the "Keizer Station Plan". The following text should be amended as follows (strikethrough is deleted, underlined is added language):

Pg. 44, III.D.2.d.(2).(c). "An employment area service center will be located near the Chemawa Interchange in the ~~Chemawa Activity Center~~ Keizer Station."

Pg. 49, III.D.2.h.(1).(b). "~~Chemawa Activity Center~~ Keizer Station"

Pg. 51, III.D.2.h.(8). "Establish the following objectives for the ~~Chemawa Activity Center~~ Keizer Station."

Pg. 53, III.E.2.b.(7). "Establish as a medium priority the extension of public facilities to the ~~Chemawa Activity Center~~ Keizer Station."

Pg. 59, III.E.4.d.(2).(c). "Increase transit service to the ~~Chemawa Center~~ Keizer Station."

2.109 COMMERCIAL RETAIL (CR)

2.109.01 Purpose

The purpose of the CR (Commercial Retail) zone is to provide areas suitable for professional and general commercial offices, retail sales within a building, eating and drinking places, commercial accommodations and commercial services. The Commercial Retail zone is appropriate in those areas designated Commercial in the Comprehensive Plan when the location has access to a collector or arterial street. (5/98)

2.109.02 Uses

The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the CR zone:

- A. **One dwelling unit in conjunction with the commercial uses(s) of the lot.** (5/98)
- B. **Offices for any use listed in SIC Division C - Construction.** (5/98)
- C. **Post offices (43).** (5/98)
- D. **Building materials, hardware, retail nurseries, and garden supply (52)** except mobile home dealers (527). (5/98)
- E. **General merchandise stores (53).** (5/98)
- F. **Food stores (54).** (5/98)
- G. **Auto and home supply stores (553).** (5/98)
- H. **Gasoline service stations (554) (SU 12.52) except as provided in Section 28.03, below.** (5/98)
- I. **Eating and drinking places (58) except as provided in Section 28.03, below.** (5/98)
- J. **Miscellaneous retail (59) except fuel and ice dealers (598) provided all display is within a building.** (5/98)
- K. **Used Merchandise Store (SU 12.48) provided all display is within a building.** (5/98)
- L. **Vehicle sales and secondary repair except as provided in Section 28.03, below.** (5/98)
- M. **Finance, insurance, and real estate (60, 61, 63, 64, 65, 66 and 67).** (5/98)

- N. **Hotels, motels, and tourist courts (701).** (5/98)
- O. **Religious organizations (SU 12.60).** (5/98)
- P. **Veterinary services (074) (SU 12.42 in urban areas).** (5/98)
- Q. **Membership organizations (86).** (5/98)
- R. **Public utility structures and buildings except as provided in Section 28.03, below.** (5/98)
- S. **Recreational vehicle parks (7033) (SU 12.40) except as provided in Section 28.03, below.** (5/98)
- T. **Uses prescribed in Chapter 21.** (5/98)
- U. **Unlimited number of guest rooms including rooming and boarding houses (702), organization hotels and lodging homes on membership basis (704).** (5/98)
- V. **Signs (SU Chapter 15).** (5/98)
- W. **Bed and breakfast establishments (SU 12.26).** (5/98)
- X. **Miscellaneous amusement and recreation services (799) except golf courses (7992) and amusement parks (7996).** (5/98)
- Y. **Landscape counseling and planning (0781).** (5/98)
- Z. **News dealers and newsstands (5994).** (5/98)
- AA. **Commercial printing (275).** (5/98)
- BB. **Communications (48).** (5/98)
- CC. **Apparel and accessory stores (56).** (5/98)
- DD. **Furniture, home furnishings, and equipment stores (57).** (5/98)
- EE. **Electrical and lighting shops and office machines and equipment stores.** (5/98)
- FF. **Personal services (72) except carpet and upholstery cleaning (7217) and industrial launderers (7218).** (5/98)

- GG. **Business services** (73) except disinfecting and exterminating services (7342) and research and development laboratories (7391). (5/98)
- HH. **Automobile parking** (752) except as provided in Section 28.03, below. (5/98)
- II. **Watch, clock, and jewelry repair** (763). (5/98)
- JJ. **Motion picture distribution** and allied services (782). (5/98)
- KK. **Motion picture theaters** (783) except drive-ins (7838). (5/98)
- LL. **Dance halls, studios, and schools** (791). (5/98)
- MM. **Theatrical producers** (except motion pictures), **bands, orchestras**, and **entertainers** (792). (5/98)
- NN. **Bowling alleys** and **billiard and pool establishments** (793). (5/98)
- OO. **Health services** (80) except hospitals (806). (5/98)
- PP. **Ambulance service**. (5/98)
- QQ. **Legal services** (81). (5/98)
- RR. **Educational services** (82). (5/98)
- SS. **Social services** (83). (5/98)
- TT. **Museums, art galleries, botanical and zoological gardens** (84). (5/98)
- UU. **Miscellaneous services** (89). (5/98)
- VV. **Executive offices** (911). (5/98)
- WW. **Executive and legislative combined** (913). (5/98)
- XX. **Finance, taxation, and monetary policy** (93). (5/98)
- YY. **Administration of human resources programs** (94). (5/98)
- ZZ. **Administration of environmental quality and housing programs** (95). (5/98)
- AAA. **Administration of economic programs** (96). (5/98)
- BBB. **National security and international affairs** (97). (5/98)

- CCC. **Automotive Dealers** (55) but excluding gasoline service stations (554) except as provided in Section 28.03, below. (5/98)
- DDD. **Adult entertainment business** (SU 12.50). (5/98)
- EEE. **Billboards** (non appurtenant signs) (SU Chapter 15). (5/98)
- FFF. **Mixed-use buildings** (SU 12.46). (5/98)
- GGG. **Residential home care and adult residential home care.**
- HHH. **Printing & Publishing** (Ord 87-078) (Ord 92-232) (Ord 96-357)
- III **Child foster home** for five or fewer children as a secondary use. (6/99)

2.109.03 Conditional Uses

The following uses may be permitted subject to obtaining a conditional use permit:

- A. **Water supply** (494). (5/98)
- B. **Carpet and upholstery cleaning** (7217). (5/98)
- C. **Automotive rental and leasing, without drivers** (751) except as provided in Section 28.03, below. (5/98)
- D. **Automotive repair shops** (753) except as provided in Section 28.03, below. (5/98)
- E. **Automotive services**, except repair (754) except as provided in Section 28.03, below. (5/98)
- F. **Electrical repair shops** (762). (5/98)
- G. **Reupholstery and furniture repair** (764). (5/98)
- H. **Professional sports clubs and promoters** (7941). (5/98)
- I. **Utilities - secondary truck parking and material storage yard** except as provided in Section 28.03, below. (5/98)
- J. **Manufacture of jewelry, silverware, and plated ware** (391). (5/98)
- K. **Manufacture of costume jewelry, novelties, buttons, etc.** (396). (5/98)
- L. **Local and suburban passenger transportation** (411). (5/98)

- M. **Intercity and rural highway passenger transportation** within 2,000 feet from the center point of an I-5 interchange and having direct access onto a major arterial (413).(Ord 87-078)(Ord 96-357) (5/98)

2.109.04 Prohibited Uses

The following uses are prohibited from the any property fronting on River Road or Chemawa Road in the following area; the west side of River Road between 5119 River Road on the north and Janet Avenue extended on the south; the east side of River Road between Claggett Street on the north and James Avenue on the south; and either side of Chemawa Road between Elizabeth Street on the west and Bailey Road on the east. This prohibition does not apply to any business facility, legally established as of the date of the adoption of this Ordinance, which as of that date has drive-through window facilities. (5/98)

- A. **Gasoline service stations** (554) (SU 12.52). (5/98)
- B. **Drive-Through windows or car service associated with eating and drinking places** (58). (5/98)
- C. **Vehicle sales and secondary repair.** (5/98)
- D. **Public utility structures and buildings.** (5/98)
- E. **Recreational vehicle parks** (7033) (SU 12.40). (5/98)
- F. **Automobile parking not associated with an allowed use** (752). (5/98)
- G. **Automotive Dealers** (55). (5/98)
- H. **Automotive rental and leasing, without drivers** (751). (5/98)
- I. **Automotive repair shops** (753). (5/98)
- J. **Automotive services, except repair** (754). (5/98)
- K. **Utilities – secondary truck parking and material storage yard.** (Ord 96-357) (5/98)

2.107.05 Use Restrictions

A limitation to the total floor area, as defined in the Keizer Development Code, for retail uses is required within the Keizer Station Plan. Each sub-area is limited with a specific amount of floor area for retail uses. Retail uses in the CR zone within Area C – Keizer Station Center of the Keizer Station Plan are restricted to the to a total floor area as defined in the Keizer Station Plan. The limitation on

total floor area for retail uses within Area C – Keizer Station Center is 65,000 square feet for uses identified in Sections 2.109.02 (D) – (M), (Z), (CC) – (EE), (CCC) and (DDD).

2.109.05 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Commercial	Mixed Use
Lot Size	None (1)	None (1)
Average Width	None	None
Average Depth	None	None
Maximum Height	50 feet	50 feet

- (1) *Parcel size shall be adequate to contain all structures within the required yard setbacks and, where applicable, comply with residential density standards in Section 2.107.07. (5/98)*

B. Minimum Yard Setback Requirements

SETBACKS	Commercial	Mixed Use
Front	10 feet	10 feet
Side	(1)	(1)
Rear	(1)	(1)
Street-side (2)	10 feet	10 feet
Garage entrance (3)	20 feet (3)	20 feet (3)

- (1) *The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property (5/98)*
- (2) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (3) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property*

line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)

2.109.06 Development Standards

All development in the CR Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements. If a conflict exists with a specific standard found in this section and a standard found elsewhere in this Ordinance, the standard in this section shall govern. (5/98)

A. Off-street parking:

1. Parking shall be as specified in Section 2.303. In the event that on-street parking is provided, on-street parking that abuts the property can be used to meet the standard. (5/98)
2. No off-street parking is required for uses above the ground floor. (5/98)
3. The off-street parking requirement for residential uses is one space per unit. (5/98)
4. If mixed uses on the ground floor exhibit peak parking demand at different times, the resulting parking requirement is limited to the number of spaces generated at the highest combined peak demand at any one particular time. (For example, if there is a movie theater exhibiting peak parking demand between 7:00 and 10:00 PM with a total requirement of 100 spaces, and a pet store exhibiting peak demand between 1:00 and 5:00 PM with a requirement of 50 spaces, the total requirement for the building would be 100 spaces.)

B. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)

C. Yards and Lots. Yards and lots shall conform to the standards of Section 2.312. (5/98)

D. Signs. Signs shall conform to the requirements of Section 2.308. (5/98)

E. Accessory Structures: Accessory structures shall conform to requirements in Section 2.313. (5/98)

F. Storage, Trash, and Service Functions: Storage areas, trash, recycling, utilities and other service functions shall be located within the main structure if possible. If any of the above functions are located outside the

main structure, the area containing the function must be screened with a solid, durable structure that is architecturally related to the building. (5/98)

- G. Landscaping-General: All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309. The minimum landscaped area is 10%. (5/98)
- H. Landscaping-Parking Lots: One tree shall be provided for every eight parking spaces in parking lots. The trees shall be dispersed throughout the parking lot in minimum four by four foot planters located between parking spaces. (5/98)
- I. Lot Coverage: The maximum coverage allowed for buildings, accessory structures and paved parking shall be as follows: (5/98)

	<u>Max.</u>	<u>Min</u>
Commercial development:	90%	50%

2.109.07 Design Standards

All development in the CR Zone shall comply with the applicable design standards described below:

- A. Building Design Standards. Primary buildings shall comply with the following design standards: (5/98)
 - 1. Design Standards - Unless specifically modified by provisions in this Section, buildings located within the CR zone shall comply with the following standards: (5/98)
 - a. Non-residential structures shall comply with the provisions in Section 2.314 - Design Standards. (5/98)
- B. Circulation - Circulation standards apply for projects that are applicable and are developed within the River and Chemawa Specific Area boundaries. As stated in the Specific Plan: (5/98)
 - 1. Streets - New streets shall conform to the street sections depicted in Figure 10 in the Specific Plan. In cases where the right-of-way varies, the sidewalk may need to be provided in an easement or private property. New Streets shall be provided in accordance with the Circulation Plan (Figure 9 in the Specific Plan). (5/98)
 - 2. Internal Driveway Connections - Where possible, internal parking lot driveways shall be designed to connect from parcel to parcel to allow travel through the site without the need to access a public street. (5/98)

3. Pedestrian Ways - Where indicated on the Development Plan and Circulation Plan in the Specific Plan Specific Plan, 10 foot wide pedestrian pathways shall be provided across development parcels. The pathways shall be improved with distinctive paving material that differentiates the pathway from any adjoining parking area. Where crossing parking area, the pathways shall be raised and shall include a minimum two feet landscape planter between the pathway and the adjoining parking lot. (5/98)
4. Pedestrian Connections - Pedestrian walkways shall be provided between buildings and the public right-of-way. Walkways shall be provided between adjoining commercial buildings when not connected by a public sidewalk. Walkways shall be not less than five feet in width and shall be constructed of concrete or similar material that is clearly distinguished from parking area pavement. (5/98)

COMPREHENSIVE PLAN/ZONE CHANGE MAP AND TEXT AMENDMENT CASE NO. 01-50; PROPOSED KEIZER STATION PLAN

PRELIMINARY FINDINGS

*Preliminary Findings Supporting City of Keizer's Decision'
Regarding the Chemawa Activity Center Planning Area*

I. INTRODUCTION

The Chemawa Activity Center Plan (CACP) area is entirely within the City of Keizer and consists of approximately 226 acres. This CACP area provides an important opportunity for the citizens of the City for employment, retail and service uses. The Chemawa Activity Center has been the subject of a number of land use and transportation planning actions since 1987. These actions were aimed at providing the land use and transportation framework to enable the area to develop as an economic activity center. The following provides a brief background and context of previous actions:

The Keizer Comprehensive Plan (1987) established two Activity Centers within the city – McNary Activity Center and Chemawa Activity Center. The Comprehensive Plan language regarding these Activity Centers provides the following:

h. Designate Activity Center overlay districts for:

- (a) McNary Activity Center*
- (b) Chemawa Activity Center*

¹ The references in these findings are to the tentative decision of the City of Keizer to amend its plan and zoning ordinance in the attachment. The attachment has gone through a lengthy public process. However, before that decision becomes final, the council wishes to take the decision through the SKAPAC process to determine whether there are serious concerns about the decision. The previous decision that went through the SKAPAC process was the planning commission recommendation in the matter. The council has made some adjustments to that recommendation in the attached after hearing public testimony from its citizens. As a courtesy, the Council wishes to provide an opportunity to the SKAPAC jurisdictions to comment before the attached decision is finalized. Therefore, while these findings refer to the city's "decision," that decision is necessarily fluid so that the city may respond to any serious concerns aired at SKAPAC.

1. *The purpose of the activity center overlay is to encourage a mix of intensive land uses emphasizing transit and pedestrian activity, and to allow flexibility of development regulations.*
2. *Require that design plans for each activity center are prepared and approved before specific development applications in the activity centers are approved. Development in this case includes subdivisions and partitionings where new vacant, developable lots are created, and the construction of new commercial or industrial buildings. The land use designations shown on Figure 2, and on the zoning map before a design plan is adopted, are generalized and will be refined during the development of design plans. Transfers of development rights within activity centers are allowed, and the use of planned development is encouraged. Design plans will be prepared for entire activity centers, not individual parcels or for individual lots. (amended version – Local Periodic Review Order, January 1992).*
3. *Assume a leadership role in preparing design plans. The planning process should involve property owners, interested developers, residents, and other affected jurisdictions. Once a design plan is prepared, adopt it as a part of the Comprehensive Plan.*
4. *Require that design plans include:*
 - a. *Market feasibility, phasing, and marketing plan for anticipated uses.*
 - b. *Development plan showing locations and amount of land uses, location of major transportation facilities, location of major public facilities, location of parks, open space, public lands and other public uses, phasing plan.*
 - c. *Design guidelines describing standards for public improvements, structures, landscaping, site development.*
 - d. *Implementation of a financing plan.*
5. *(McNary Activity Center)*
6. *Establish the following objectives for the Chemawa Activity Center:*
 - a. *The primary uses are regional service center, light industry, hotel/motel and supporting facilities, convention facilities, and retail shopping facilities.*

- b. Improve access to the district and Lockhaven Drive. Coordinate transportation improvements with the industrial district to the north.*

CHEMAWA ACTIVITY CENTER PLAN (1993)

The Keizer City Council and Planning Commission focused on the Chemawa area in 1993, and adopted an interim plan. The plan achieved several objectives:

- It established a policy framework to guide land use decisions, seeking to establish the area as a commercial and light industrial opportunity center. These policies generally addressed land use type, transportation, and design issue..
- It removed the requirement that no development could occur until a Plan was adopted. With the new Plan, development proposals were to be processed as Conditional Uses and conform to the Plan's policies in order to be approved.
- It called for additional planning to address specific land use, transportation, and financing issues.

CHEMAWA ACTIVITY CENTER PLAN (1995)

In 1994, a Transportation and Growth Management (TGM) Grant jointly administered by the Department of Land Conservation and Development and the Oregon Department of Transportation, studied the land use and transportation opportunities and needs and potential for the Chemawa/I-5 interchange. This Interstate 5/Chemawa Road Urban Interchange Transportation and Land Use Study (hereinafter TGM Study) analyzed the physical and economic potential and constraints of the interchange area involving land use, transportation improvements, and financing.

The TGM Study's goals were to develop a land use plan that would result in viable economic outcomes and to encourage a well functioning transportation system by:

- Promoting a multi-modal transportation system;
- Preserving the existing transportation facilities level of service and design; and
- Assuring the transportation system will have the capacity to support proposed land uses, and efficiently move traffic.

The TGM Study explained, "There is tremendous development potential and interest in this interchange, as it represents one of the prime pieces of underdeveloped real estate along the Oregon Interstate 5 corridor." TGM Study page 1.

The TGM Study recommended, "RECOMMENDED PLAN: The recommended transportation and land use plan for the I-5/Chamawa Study Area includes the following primary land uses per quadrant:

Northwest Quadrant- Hotel/restaurant/retail and industrial

Southwest Quadrant – Mixed use, commercial and park n ride." TGM Study page 18.

The conclusions from the TGM Study supplemented the 1993 version of the Chemawa Activity Center Plan and updated the Comprehensive Plan for the City of Keizer. The updated 1995 Chemawa Activity Center Plan continued to rely on the inventory, analysis, alternatives, and other studies used to develop the 1993 version.

The 1995 Chemawa Activity Center Plan served as a guide to private and public investment of the lands on the west side of the Chemawa Interchange recognizing the land is valuable due to sensitive location at the "gateway" to the City of Keizer.

CHEMAWA ACTIVITY CENTER PLAN (1997)

The 1997 version of the Chemawa Activity Center Plan provided for the future development of a mixed-use economic area incorporating housing, retail, office, service commercial, public and industrial uses. However, specific regulatory restrictions were imposed that stifled the CACP area's ability to deliver the desired economic uses. The community expected the Chemawa Activity Center to be an economic powerhouse fostering new businesses and providing many benefits to the citizens of Keizer. One of the most prominent elements of this 1997 CACP plan was the emphasis on creating an industrial business park and commercial mixed use center in what was referred to as "Area A".

However, as the planning process the City has just completed clearly demonstrates, the demand for industrial uses within Keizer generally, and at this location specifically, is minimal. As a consequence of reserving the prime developable area of the Chemawa Activity Center for industrial uses, no development activity in this area has occurred.

After several attempts to develop the Chemawa Activity Center, the Mayor, City Council, and the Keizer Urban Renewal Board appointed the Chemawa Activity Center Task Force to evaluate the plan. The citizen Task Force concluded that land use regulatory restrictions included in the 1997 Plan were overly burdensome such that the market would not respond with economic uses. Therefore, they recommended changes to the CACP to the City Council. The City Council referred eight issues to the Keizer Planning Commission including:

1. The appropriate amount of commercially zoned property in Area A and whether it is appropriate to change the eleven acre maximum or allow for more flexible zoning;
2. Landscaping requirements for the Activity Center and/or Area A property;
3. The street connection of Area A to Area D with an underpass loop or "jug handle" design;
4. The requirement that no single use be more than 50,000 square feet;
5. That the Design Plan is consistent with the Keizer Development Code;

6. The appropriateness of the Park and Ride lot in Area D;
7. The appropriateness of the 150 room hotel/motel requirement in Area A; and
8. Protecting the residential property to the west of Area A from traffic impacts.

The Planning Commission and City Council heard commercial development experts define the problems associated with the Plan. The experts informed the City that unless dynamic changes are made to the plan that reflect the original intent of the planning effort to create an economic center and simultaneously create a new gateway to the community the plan would not be feasible.

The City of Keizer and the Urban Renewal Agency of the City of Keizer entered into a “Non-Exclusive” Predevelopment Agreement with Northwest National LLC for the Chemawa Activity Center to conduct “certain predevelopment tasks needed ... prior to further agreement of the parties relating to development of the Property.” Among the tasks in the agreement was the following:

2.1 Chemawa Activity Center Plan and Urban Renewal Plan Amendments.

Agency shall consider amendments to the Urban Renewal Plan and the City shall consider amendments to the Chemawa Activity Center Plan and implementing rezonings to accommodate development of the Property. Amendments to both plans may include, but not necessarily be limited to, an expansion of the commercially zoned area within the Chemawa Activity Center area, as described in the Chemawa Activity Center Plan.

On May 21, 2001 the Keizer City Council approved a Resolution initiating the process to consider legislative amendments to the Keizer Comprehensive Plan and Keizer Development Code related to the Chemawa Activity Center. This action followed a City Council work session on May 14, 2001 where the Northwest National LLC project team presented the Keizer Station Plan Master Plan Concept. The applicant for the changes herein considered and adopted is the

City, by and through its City Council. Northwest National LLC is the City's choice of developer to bring the economic objectives of this decision to fruition.

The decision that the City Council has considered and adopted is the result of an effort by the City of Keizer to revisit the previous Chemawa Activity Center planning actions and to prepare a supplemented activity center plan that is less restrictive in its allowance of economic uses. The City's decision reflects the actions needed to establish the realistic opportunity to create a true economic activity center for the City at this location and to provide the appropriate zoning designations for the CACP area to meet both market demand and the documented need for commercial uses in the City of Keizer. This plan is also consistent with the TGM Study recommendations that the CACP area realize its significant potential as an economic center for retail commercial, light industrial and other economic uses.

The proposed amendments to the CACP establish the kind of flexible zoning to allow both retail and other commercial uses as well as light and other industrial uses that the TGM Study recommended as well as respond to current needs the Keizer Council has identified exist in the City. The Employment General (EG) zone that has been applied to a large portion of the CACP area has been developed to allow both commercial and light industrial and is a Goal 9 economic designation. It is flexible in that it allows the market to chose the specific economic uses to be situated in the CACP area within certain modest parameters. The parameters are that in addition to allowing certain commercial uses, at least 25% of Area A (Village Center) to which the EG zoning district is applied, must be developed with IBP uses. The IBP zoning district is one of the City's industrial districts.

The City's decision provides more opportunity for the market to respond to the commercial and industrial needs of the City. As noted, the City is accomplishing economic opportunity objectives in the CACP area by providing the opportunity for *both* viable commercial and industrial uses to be developed in this area, among other use types.

II. PROPOSED CITY COUNCIL DECISION

In Resolution 2001-1267, the City initiated a legislative review of the CACP area to identify opportunities to refine the zoning pattern in the CACP to more closely fit with actual market demand and to match the future economic needs of the City. The City as the applicant, applied for the decision herein adopted. The proposed decision is a result of that application and legislative review. The proposed decision is the culmination of examination, input and advice from City citizens, the City planning commission, City leaders, state agencies, SKAPAC and interest groups. The majority of input and testimony favored the proposed decision. Following several public hearings, the Keizer Planning Commission unanimously recommended approval of a decision similar to the proposed decision to the Keizer City Council.

The City of Keizer finds that it has the authority and responsibility to make the proposed decision to amend the zoning pattern, adjust the allowable employment related uses in the CACP area and to subject allowable uses within the CACP area to more appropriate development standards. The Council finds that the proposed decision is in the best interests of the citizens of Keizer.

The Council heard some objectors to the proposal. The objectors were principally from interests based outside of Keizer, such as Portland based 1000 Friends of Oregon, City of Salem and DLCD staff. Most of the objections expressed concern for Salem's commercial sectors and disagreement with the policy direction of facilitating the opportunity for "big box" retail use in this area. In this regard, the objections were principally policy disagreements, as well as complaints principally framed as Goal 9 issues. The Council notes that the TGM Study specifically identified the CACP area as one appropriate for "big box" retail uses. TGM Study 15.

Regarding policy, the City of Keizer retains policy-making autonomy and responsibility for land use decisions in Keizer. Keizer recognizes the obligation to coordinate this land use decision with others and has accomplished these coordination objectives. In this regard, the coordination framework for land use decision making is outlined in an agreement between the City of Keizer,

Marion County, Polk County and Salem. Unless its land use decisions are also amendments to Keizer Comprehensive Plan Urban Area Policies, Regional Policies or decisions involving Dual Interest Areas, Keizer's land use decision do not require the approval from the city of Salem, Marion County or Polk County. Keizer Comprehensive Plan IV(B)(2) (page 72). In this regard, the Keizer City Council interprets its own plan to establish that the proposal does not involve or amend an urban area policy or a regional policy and is not a decision involving a dual interest area. The City of Salem's urban area and regional area policies are similarly not being amended by the proposal, and no dual interest area is affected herein. The city of Salem has reinforced this view in its internal memorandum from "Curt" to Vicki Hardin Woods dated January 16, 2001:

"The area is not a 'dual interest' area in the (SACP). It also does not fall within the 'Regional Policies' of the SACP."

Moreover, the minutes of the Joint Meeting between the Salem Planning Commission and Marion County Planning Commission clearly state the City of Salem's position on the role of Keizer jurisdiction at the time of adoption of the initial CACP (1995) Study. (Exhibit Q, September 19, 1995 Minutes of Joint Meeting; Salem PC/Marion County PC pg. 5 & 6). The minutes state,

"Ken Battaile, (Salem) Long Range Planning manager, noted that this deals largely with jurisdictional levels. As this is not a regional issue, the City and County have no responsibility in Keizer's process, that it has independent jurisdictional prerogative to adopt any changes to its comprehensive plans. This was not identified in the comp plan as a regional issue."

"...Sterling Anderson, Marion County Planning, stated that Keizer has a separate comp plan and unless Keizer amends certain policies of their comp plan then the County would not be reviewing any plan as it has no jurisdictional authority."

The City of Keizer notes that during the SKAPAC meeting involving elected officials on May 23, 2002, Salem staff suggested their view that Urban Area Policies may be affected by the

proposal. Keizer staff pointed out that neither Keizer nor SACP Urban Area Policies will be amended by the proposal. When asked about which Urban Area Policies might be “amended” by the proposal, the Salem staff was unable to identify any.

In this regard, the Keizer Comprehensive Plan has no identified Urban Area Policies and the Salem Area Comprehensive Plan (SACP) identifies as its “Regional Policies” Urban Area Policies, apparently treating them interchangeably. There are no regional policies at issue here, as Salem stated in its internal memorandum above quoted Salem’s SACP also includes a separate and wholly unrelated set of Urban Area Policies, none of which are being amended here. Salem did not explain or identify what, if any, Urban Area Policies it suggests might be amended by the proposal and the Keizer City Council determined there are no such policies being amended.

Policy choices about the conditions under which economic opportunities may be established in the CACP area, as contemplated under the proposed decision, are not Goal 9 or other issues that deprive the City Council of its authority to govern for the best economic interests of its citizens.

Therefore, while Keizer has coordinated the proposal with Salem, Marion County and Polk County, the City Council interprets Keizer’s own Comprehensive Plan to provide the Keizer City Council with the right and responsibility to adopt the proposed decision, which accommodates the expressed concerns of Salem as much as reasonably possible.

Regarding the latter, the City of Salem expressed concern had to do with Keizer providing viable retail shopping opportunities in the CACP area. To accommodate Salem’s concern in this regard as much as possible, Keizer has limited the ultimate amount of retail square footage allowable within the CACP area to no more than 975,000 square feet. In addition, the EG Zone in Area A requires that a minimum of 25% of the acreage of this designation be devoted to IBP uses – which are industrial uses under Keizer’s acknowledged plan and code. Keizer believes this is well within the amount of retail that Salem’s Charter states is not objectionable to Salem even for a regional shopping center, which the proposal is not in any case. See Salem Charter Section (55)², SKAPAC Record Exhibit 24. The limitation on retail square footage in the CACP area

² Specifically, the Salem Charter in this regard states:

means the kind of retail the City of Salem's own Charter says the city is empowered to worry about, won't occur here.

III. FINDINGS AND CONCLUSIONS

As noted above, the original KSP proposal (Exhibit A) has been modified three times in an effort to better address relevant Statewide Planning Goals, Keizer Comprehensive Plan goals and policies, agency comments, and public testimony. These modifications included the staff recommended alternative, the Planning Commission recommendation to the City Council, and now the City Council decision. The City Council considered all of the information and comments in the record to reach the final decision contained in Exhibit 111. The findings presented on the following pages pertain to this decision.

Comprehensive Plan Map Amendment

The approval criteria for a Comprehensive Plan Map Amendment are found in Sections 3.202.03 and 3.109.03 of the Keizer Development Code.

Section 3.202.03 Procedures for Type II and Type III

G. Conditions

Approvals of any Type II or Type III action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals. Conditions shall be designated to protect public health, safety, and general welfare potential adverse impacts caused by a proposed land

"The council shall enact no ordinance or enter into any intergovernmental agreement which prohibits the construction of a regional shopping center of less than one million square feet of leasable space outside the central

use described in an application. Conditions shall be related to the following: (a) protection of the public from the potential deleterious effects of the proposed use; or, (b) Fulfillment of the need for public service demands created by the proposed use.

FINDINGS: Although this decision does not include conditions of approval, the City Council has developed a package of Keizer Development Code amendments that will dictate how development must occur in the KSP area.

Section 3.109.03 Plan Map Amendment proposals shall be approved if the applicant provides evidence substantiating the following (Subsections A-G):

3.109.03A. Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, the applicable criteria in the LCDC Administrative Rules for the type of exception needed shall also apply.

FINDINGS: Findings regarding the applicable Comprehensive Plan goals and policies are presented later in this section.

3.109.03 B. Consistency with the applicable goals and policies in the Comprehensive Plan is demonstrated.

FINDINGS: Findings regarding the statewide planning goals are presented later in this report.

3.109.03 C. The Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Comprehensive Plan.

business district. Any existing land use, comprehensive plan, ordinance, zoning provisions, and intergovernmental agreement that currently prohibits said construction shall be void."

FINDINGS: As demonstrated in the Hobson Ferrarini Associates Economic Analysis (Exhibit A-109), the Keizer Comprehensive Plan does not provide adequate land supply for retail commercial activities to support either existing or projected population within the city. Sufficient retail activity and available commercial land does not exist in Keizer currently to meet the projected need over the next five years (2006) or the next 20 years.

Hobson Ferrarini Associates provided several reports during the course of the city's review of the application to address questions and to correct methodologies to address planning requirements. An important issue revolved around population. The 2000 census population for Keizer was 32,203. Through the SKAPAC process, the cities of Keizer and Salem agreed that the 2006 population projection of 33,927 in the Keizer Transportation System Plan (KTSP) is a coordinated regional forecast allocation, which is appropriate to use for planning purposes.

The revised Hobson Ferrarini information in Exhibit A-109 represents the final information considered by the City Council using the accepted population figures. In this report, the analysis shows that based upon the accepted planning population figures and estimates (rather than the higher "real" population figures), Keizer is expected to have a 132-acre demand for additional commercial development in 20 years, but only 72.5 acres are currently zoned and available to support this growing demand. If nothing is done, the city is expected to have a 60.1-acre commercial land deficit 20 years hence. The report also indicates that during the same period, the demand for industrial land will be significantly less than the industrial land supply, yielding a surplus of 61 acres. Even in the next 5 years (2006), the demand for new commercial land will outstrip the supply by 30.5 acres+-.

A significant amount of commercial acreage and development is located along River Road, and according to the Keizer Comprehensive Plan and the Chemawa Activity Center Plan (CACP), new commercial and employment uses are intended for the Chemawa Road/I-5 interchange. Given the information in the Hobson Ferrarini analysis, the City Council concludes that a shift in emphasis to more commercial activity than currently planned in the CACP is appropriate.

It is important to point out that the proposed amendments are not expected to alleviate the total projected commercial land deficit forecast in the next 20 years. Because of this deficiency, residents of Keizer must often shop outside the City, increasing vehicle miles traveled, pollution, congestion, and wear and tear on infrastructure. The Keizer Station Plan will help address this need by increasing the supply of retail land in Keizer. The increase will allow more retail development to occur in Keizer, thus providing improved opportunities for residents to shop locally and reduce vehicle miles traveled, pollution, and congestion.

3.109.03 D. The Plan provides more than the projected need for lands in the existing land use designation.

FINDINGS: See response to 3.109.03 C. above. The Keizer Station Plan will provide additional commercial land to the city's land supply to meet the anticipated demand for commercial land within the city.

3.109.03 E. The proposed land use designation will not allow zones or uses that will destabilize the land use pattern in the vicinity.

FINDINGS: The land use pattern in the vicinity of the proposal is established by the city's acknowledged comprehensive plan and zoning ordinance development code. The council interprets the term "vicinity" in this regard to mean parcels adjacent to the subject CACP area as well as the subject parcels affected by this decision. Parcels adjacent to the CACP area are zoned as summarized in the following table.

<i>Properties</i>	<i>Plan Designation</i>	<i>Zone Designation</i>	<i>Land Use</i>
North	Keizer UGB	EFU – Exclusive Farm Use	Lake Labish Ditch
East	Keizer UGB	NA	I-5
South	Keizer UGB Park	NA P - Public	I-5 City Park
West	Low Density Residential Commercial	RS – Residential Single Family CM – Commercial Mixed Use	Single family homes

The proposal affects land within the Chemawa Activity Center Plan area (CACP) zoned and planned for economic development uses. The council interprets the term “destabilization” as used in the city’s plan to refer to new plan/zones or uses being applied to property that are either beyond the contemplation of the existing planning and zoning on the subject parcels or beyond the plan/zones and uses contemplated on the adjacent parcels such that pressure is created to achieve untimely and unplanned uses on either the adjacent or subject parcels. In the subject case, the subject property has always been planned for economic development uses, which are primarily commercial and industrial. The adjacent parcels were planned to develop next to economic development uses. Because the CACP area will develop within the contemplation of the City’s acknowledged plan as an economic development area, the Council finds that there is no destabilization which will occur within the meaning of the plan in the vicinity of the subject parcels.

In this regard, the City's Comprehensive Plan Chapter III page 31 (h)(8)(a) regarding activity centers states:

"Establish the following objectives for the Chemawa Activity Center:

(a) The primary uses are regional service center, light industry, hotel/motel and supporting facilities, convention facilities and retail shopping facilities."

The proposal relaxes the regulatory restrictions within the CACP area to allow the listed primary uses to be established. The proposal provides an augmented opportunity for all of the listed primary uses to be established within the CACP area. Specifically, the opportunity for light industry is protected by the IBP zoning district which applies to the CACP area under the decision or the allowed uses in which IBP zoning district are specifically carried forward in the new EG zoning district. Moreover, in addition to allowing light industrial uses from the IBP zoning district, the EG zoning district also provides greater regulatory allowance for retail shopping facilities as well as hotel/motel facilities, convention and support services.

Furthermore, the CACP area has not developed with economic development uses as the plan contemplates, thereby creating a situation where the adjacent residential uses lack needed retail, office and other job opportunities within easy bike, walking, or transit distance. In turn, this causes residents of these neighborhoods to be forced to commute beyond the contemplation of the plan.

Also, when the plan fails to produce the planned outcome of economic development uses in the CACP area, public facilities and services planned for the area do not develop as contemplated by the city's planning efforts. All of these planning programs are tied together in the city's comprehensive planning program. Therefore, it is destabilizing for the city's planned CACP area to fail to develop with economic development uses.

The proposed land use designations will stabilize the land use patterns for the subject and adjacent parcels by providing the realistic opportunity for such economic development uses to

actually develop on the CACP land because of relaxed regulatory restrictions. The proposal improves the potential land use balance of economic development uses to satisfy the projected need for commercial and industrial land within Keizer. As demonstrated in the Hobson Ferrarini Economic Analysis (Exhibit A-109), the city has both a short-term (5-year) and long-term (20-year) deficiency of commercial land available to support the project population growth within the community. The proposed land use designations will establish a land use pattern and will help provide sufficient industrial and commercial areas to support future community growth.

The proposed designations will provide needed commercial and industrial land that will offer residents of Keizer opportunities for jobs and shopping within the city, rather than requiring residents to leave the city for these purposes. This will have the affect of stabilizing the land use development pattern within the city and reducing the need for travel to other parts of the region for employment and commercial opportunities.

It is important to recognize that the current CACP calls for a mix of commercial, industrial, and residential uses in the area. The location and relative intensity of residential and nonresidential uses remain virtually the same under the CACP and the proposed KSP. The mix of nonresidential uses will be different, but the overall character of the future development so as to not be a destabilizing force in the area. As with the CACP, the most intense uses are proposed in Area A, which is separated from residential neighborhoods to the west by a railroad track and right-of-way. As noted elsewhere in this document, the anticipated impacts to public facilities, services, and transportation are very similar under either plan.

3.109.03 F. Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.

FINDINGS: In terms of potential impacts upon proposed or adjoining uses, the proposed uses in the Keizer Station Plan are generally similar to uses that would be allowed under the existing zoning. While the Keizer Station Plan includes additional commercial inventory, it proposes to reduce the amount of industrial property, which would potentially have a greater impact on

adjacent areas. The Keizer Station Plan and associated Keizer Development Code amendments include a series of development design standards aimed at minimizing impacts and creating an environment that is compatible with existing and planned land uses in the area (Exhibit 111, Attachments A - M).

3.109.03 G. Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future.

FINDINGS: W&H Pacific has evaluated the proposed zoning recommended in the Keizer Station Plan from the perspective of providing public facilities (sanitary sewer, storm sewer, and domestic water). This analysis demonstrates that public facilities are either in place or can be provided to support the proposed levels of development in the Keizer Station Plan (Exhibit A, Chapter V). The type of development allowed now under the CACP is very similar to what is proposed with the KSP in terms of the potential demands placed upon public facilities, services, and transportation facilities. A memorandum from the Keizer Public Works Department (Exhibit C) confirms that these facilities are either in place or can be provided during development of the area.

Based on the above findings, the City Council concludes the proposal complies with the Keizer Development Code decision criteria for the proposed change in Comprehensive Plan designation.

Zone Change: Section 3.110.03 Criteria for Approval

Section 3.110 Zone Change proposals shall be approved if the applicant provides evidence substantiating the following (Subsections A – F):

3.110.03 A. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.

FINDINGS: The City Council plan in Exhibit 111 is completely consistent with applicable Comprehensive Plan designations for this area, as discussed later in this document.

3.110.03 B. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.

FINDINGS: Findings related to public services and transportation demonstrate that the proposed uses in the Keizer Station Plan can be accommodated within the acreage of all subareas without exceeding the physical capacity of the land.

3.110.03 C. Allowed uses in the proposed zone can be established in compliance with the development requirements in this Ordinance.

FINDINGS: The uses envisioned in the Keizer Station Plan can be established in a manner consistent with the development requirements of the Keizer Development Code. The Keizer Station Plan includes elements to enhance certain development standards in specified subareas of the Plan. These additional standards, unique to the Keizer Station Plan, are intended to provide a higher level of protection to and compatibility with adjoining properties. In addition, these supplemental standards are intended to require a higher level of design and development details than would be required by the base zone requirements.

3.110.03 D. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.

FINDINGS: As noted above, W&H Pacific has evaluated the proposed zoning recommended in the Keizer Station Plan from the perspective of providing public facilities (sanitary sewer, storm sewer, and domestic water). This analysis demonstrates (and the Public Works Department confirms) that public facilities are either in place or can be provided to support the proposed levels of development in the Keizer Station Plan.

3.110.03 E. For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.

FINDINGS: The City Council amendment includes a small (1+ acre) change from CO to RS to allow completion of Dennis Ray Way in Area B with a cul-de-sac and several additional single family residential lots. This RS Residential Single Family zone is consistent with the existing residential development on the street and the purpose statement of the RS zone, which states the zone is intended for low density residential use on individual lots.

3.110.03 F. The following additional criteria shall be addressed:

1. *The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone during the next 5 years, or the location of the appropriately zoned land is not locationally or physically suited to the particular uses proposed for the subject property, or lack site specific amenities required by the proposed use.*

FINDINGS: As indicated in information provided by Hobson Ferrarini Associates, there are currently 72.5 acres of land zoned and available for new commercial use in Keizer. The estimated 2006 demand for retail land is estimated to be 103 acres, resulting in a deficit of 30.5 acres (Exhibit A-109).

2. *The supply of vacant land in the existing zone is adequate, assuming the zone change is granted, to accommodate the projected rate of development of uses allowed in the zone during the next five years.*

FINDINGS: The 2006 demand for retail land in Keizer is estimated to be 103 acres. The Keizer Station Plan will provide additional commercial land to help reduce the deficit of retail land noted above. By comparison, the city expects a 91.1-acre surplus of industrial land in 2006 with 99.5 acres of industrial land currently zoned and available.

3. *The proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.*

FINDINGS: See the response to criteria 3.109.03 E. and F. above.

Based on the above findings, City Council concludes that the proposal complies with decision criteria for the proposed change in zoning.

Text Amendment – Section 311.03 Criteria for Approval

- A. *Impact of the proposed amendment on land use and development patterns within the city, as measured by:*

1. *Traffic generation and circulation patterns;*

FINDINGS: Kittelson & Associates has evaluated the Keizer Station Plan as originally proposed (Exhibit A, Chapter III) as well as the staff and Planning Commission recommended alternatives (Exhibits B and Exhibit A-15) from the perspective of the potential impact on the transportation system. Please refer to subsequent Kittelson and Associates materials in Exhibits A-15, A-74, and A-99). These analyses demonstrate that traffic generation will be comparable or less than traffic generation potential of the existing zoning supporting the CACP. Transportation facilities are either in place or can be provided to support the proposed levels of development in the Keizer Station Plan for the City Council decision, which calls for a land use types and densities that lies between the original proposal and the staff recommended alternative.

2. *Population concentrations this isn't really addressed below. It is also the contention of 1000 friends that this area isn't where growth and such population concentration are occurring;*

FINDINGS: The proposed land use designations will support the projected need for commercial and industrial land within Keizer. As demonstrated in the Hobson Ferrarini Economic Analysis (Exhibit A-109), the city has both a short-term (5-year) and long-term (20-year) deficiency in the amount of commercial land available to support the project population growth within the community. The proposed land use designations will create a better overall balance to the city's land use pattern and will provide sufficient industrial and commercial land inventory to support the growing community.

The proposed designations will provide needed commercial and industrial land that will offer residents of Keizer opportunities for jobs and shopping within the city, rather than requiring residents to leave the city for these purposes. This will have the affect of stabilizing the land use development pattern within the city and reduce the need for travel to other parts of the region for employment and commercial opportunities.

3. *Demand for public facilities and services;*

FINDINGS: W&H Pacific has evaluated the proposed zoning recommended in the Keizer Station Plan from the perspective of providing public facilities (sanitary sewer, storm sewer, and domestic water). This analysis demonstrates (and the Public Works Department concurs) that public facilities are either in place or can be provided to support the proposed levels of development in the Keizer Station Plan. As with traffic impact, it is important to recognize that the facility demands represented in the Chemawa Activity Center Plan and the proposed Keizer Station Plan are very comparable in terms of water, storm water, and sanitary sewer demands placed in the area.

4. *Maintenance of public health and safety;*

FINDINGS: As noted, public facilities necessary for public health and safety can be provided to the Keizer Station Plan area because public facilities and services can be provided as the area develops. In addition, the Hobson Ferrarini Associates Economic Report notes that tax revenue generated from the Keizer Station Plan is estimated to be \$2.6 million annually for the proposal in Exhibit A. This revenue is anticipated to be comparable for the City Council proposal in Exhibit 111. This is forecast by Hobson Ferrarini to exceed costs of service provision by more than \$2.0 million annually (stated in 2001 dollars). The benefit to the City will be additional revenue available to pay for capital improvements necessary for public health and safety.

5. *Level of park and recreation facilities;*

FINDINGS: The Keizer Station Plan includes the Entertainment and Sports Center subarea. The existing Keizer Stadium is included in this subarea. New sports and entertainment facilities (such as an aquatic center) are envisioned to occur within this subarea. These uses would be intended to compliment the activities occurring at the Keizer Stadium. The proposed Keizer Station Plan represents a potential change in the type of economic activity in the area, but little change regarding the number of residents and their potential impact upon city park and open space areas.

6. *Economic activities;*

FINDINGS: The Hobson Ferrarini Associates analysis shows the Keizer Station Plan will have a substantial positive economic impact on the City of Keizer, as well as Marion County as a whole. Over a ten-year period, the development is projected to contribute roughly \$700 million to the regional payroll (stated in 2001 dollars), based on the construction and ongoing operation of the development. The construction of the development is expected to generate over 2,700 full time equivalent jobs, contributing over \$85 million to the regional payroll. Once completed, ongoing operations will support 4,159 jobs and generate \$87 million in annual payroll. The

preceding figures are based upon the original KSP proposal (Exhibit A), however, these figures should be very similar to the City Council decision because the basic land use mix remains much the same.

7. *Protection and use of natural resources;*

FINDINGS: The city's Goal 5 inventory does not identify any resources within the Keizer Station Plan. Future development in the area will evaluate natural features as a part of master and development review.

8. *Natural hazards and constraints; and*

FINDINGS: No natural hazards or constraints have been identified within the Keizer Station Plan area.

9. *Compliance of the proposal with existing adopted special purposed plans or programs, such as public facilities improvement programs.*

FINDINGS: As noted in the information provided by W&H Pacific regarding the provision of public facilities, the Keizer Station Plan can be served by public facilities and future development will occur consistent with Keizer improvement programs. The Keizer Station Plan has been coordinated with City of Keizer staff to determine the best way to provide public facilities to the project area. In 1995, a coordinated planning effort between the City of Keizer and the City of Salem produced the Interstate 5/Chemawa Road Urban Interchange Transportation and Land Use Study (Exhibit "P"). This study was adopted by the City of Keizer by reference in the 1997 Chemawa Activity Center Plan (Exhibit R). Both Marion County Planning Commission and City of Salem Planning Commission formally accepted the study as a basis for future planning (Exhibit Q).

B. *A demonstrated need exists for the product of the proposed amendment.*

FINDINGS: The proposed land use designations will help support the projected need for commercial and industrial land within Keizer, as demonstrated in the Hobson Ferrarini Economic Analysis (Exhibit A-109).

The City Council finds that it is not necessary to make up all of the commercial shortfall in this area. Other areas of the city may be appropriate for plan an/or zone amendment in the future if this deficiency persists. In addition, some of the properties in the city's industrial land inventory are limited due to such characteristics as poor location/visibility, parcel size/configuration limitations, and natural hazards (e.g., 100-yr. flood plain).

C. *The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.*

FINDINGS: The goals and Oregon Administrative Rules are addressed later in this document.

D. *The amendment is appropriate as measured by at least one of the following criteria:*

- 1. *It corrects identified errors in the provision of the plan.***
- 2. *It represents a logical implementation of the plan.***
- 3. *It is mandated by changes in federal, state or local law.***
- 4. *It is otherwise deemed by the council to be desirable, appropriate and proper.***

FINDINGS: This amendment addresses three of the four criteria mentioned in this section:

- The Comprehensive Plan was based on a year 2005 population projection of 30,200 for Keizer. Through the SKAPAC process, it was agreed that the appropriate coordinated population forecast for Keizer in 2006 is 33,927. The 2000 census indicates that population within Keizer was 32,203. The population

estimate for 2001 is 33,298 (10.5% higher than the year 2005 Comprehensive Plan projection). Keizer has exceeded its year 2005 population projection, and it is close to exceeding the coordinated 2006 population estimate of 33,927. Although the population figures in the Comprehensive Plan are proving to be low, the demand for commercial services shows that even based on these conservative numbers, there is a deficiency of commercially zoned land in the city. This reflects an error in the population projection assumption upon which the original Comprehensive Plan was based.

- The Keizer Station Plan represents a logical implementation of the plan because it will establish a set of land uses in a location that has been targeted by the City as the future location for a dynamic activity center (Chemawa Activity Center). Previous efforts to establish an activity center at this location have not materialized because of a lack of demand for the types of uses the present zoning allows.
- Amendments to the CACP to foster economic development have been deemed to be desirable, appropriate, and proper by the council. After several attempts to develop the *Chemawa Activity Center*, the Mayor, City Council, and the Keizer Urban Renewal Board appointed the *Chemawa Activity Center Task Force* to evaluate the plan. The citizen Task Force concluded that land use designations included in the 1997 Plan were too restrictive and recommended changes to the City Council.

Conformity with LCDC Statewide Planning Goals

A comprehensive plan amendment must address the Department of Land Conservation and Development's (LCDC) Statewide Planning Goals to ensure consistency with those goals.

FINDINGS: The following findings demonstrate that this plan amendment request is consistent with LCDC's Goals.

Goal 1: Citizen Participation

In the Keizer Comprehensive Plan, Section III. F. Plan Administration, the city's citizen participation program findings, goals, and policies are presented (addressed later in this document). In addition Resolution R85-149 describes the city's public involvement program. Consistent with this program, public comments have been solicited in a number of different ways.

Meetings were held with affected neighborhood associations regarding the recommendations in the Keizer Station Plan. The Keizer Station Plan was then considered by the Planning Commission involving a series of public hearings where interested received multiple opportunities to testify and offer written material for the Planning Commission's consideration. This was followed by a second series of hearings before the City Council, again providing multiple chances for individuals to submit testimony. The Planning Commission and City Council hearings required property owner notification. In addition, the public has been informed in neighborhood meetings, Planning Commission work sessions, newspaper articles. The City Council hearings were also broadcast on the local cable access channel.

DLCD at the last evidentiary hearing before the Keizer Council, submitted a letter (Exhibit A-101) complaining that the Keizer Council's acceptance of evidence and argument from all sides to the proposal and the Council's consideration of the adoption of a decision along the lines attached herein, violates Goal 1 (Citizen Involvement). DLCD went so far as to suggest the City was required to start over with a new notice and decision making process, if it was considering adopting a decision other than one in strict obedience to the planning commission recommendation. DLCD misunderstands the principles of citizen involvement and also its own objections filed in the previous months.

First, DLCD *objected* to the planning commission recommendation. Therefore, it makes sense that the City would consider responsive measures to that planning commission recommendation as well as evidence and argument contrary to DLCD staff's views. It makes sense that the

Keizer Council would consider evidence and argument supportive of both the planning commission recommendation as well as against it. Second, the planning commission recommendation is a required step in the city's acknowledged Goal 1 (citizen participation) program. It is expected that the City Council will consider and respond to evidence and arguments advanced in hearings. This in fact is what the city's acknowledged Goal 1 process requires.

In the Keizer Comprehensive Plan, Section III. F. Plan Administration, the city's citizen participation program findings, goals, and policies are presented. This City citizen involvement program is acknowledged. The process has followed the acknowledged citizen involvement program as a legislative amendment to the City's plan and code. Consistent with this program, public comments have been solicited in a number of different ways.

Meetings were held with affected neighborhood associations regarding the recommendations in the Keizer Station Plan. The Keizer Station Plan was then considered by the Planning Commission involving a series of public hearings where interested parties received multiple opportunities to testify and offer written material for the Planning Commission's consideration. This was followed by a second series of hearings before the City Council, again providing multiple chances for individuals to submit testimony. The Planning Commission and City Council hearings required property owner notification. In addition, the public has been informed in neighborhood meetings, Planning Commission work sessions, and newspaper articles. The City Council hearings were also broadcast on the local cable access channel.

As we read this DLCD letter, it asserts the City and proponent responses to DLCD, Salem and 1000 Friends objections raised in evidence and oral testimony before the council are inappropriate. To the extent that DLCD is saying that proponents are not entitled to be involved in the process that is contrary itself to Goal 1 and the City's acknowledged Goal 1 provisions. All citizens are entitled to participate in this legislative decision making process. To the extent DLCD is saying it is inappropriate to respond to agency (DLCD) objections by considering an alternative economic opportunities analysis, this is also wrong. The point of a land use process is

to consider and respond to evidence presented regarding a proposal. To the extent DLCD feels that the proposal “differs to such a degree that the [notice] did not reasonably describe the nature of the local government final action” (ORS 197.620(2)) the remedy is in enhanced appeal rights – not that the City must start over or a citizen participant be forbidden from responding to DLCD objections. Respectfully, the proposal is well within the Notice submitted to DLCD, which stated generally, “Legislative Amendment to amend both text and map of the Keizer Comprehensive Plan and Keizer Land Development Code. Current Chemawa Activity Center Plan proposed to be amended to “Keizer Station Plan.” The Notice also included the proposed acres per Comprehensive Plan designation and Zone designation to be changed.

Goal 2: Land Use Planning

Goal 2 requires coordination between affected governmental units. Coordination is accomplished when the needs of all levels of governments, semi-public and private agencies and the citizens have been considered and accommodated as much as possible. ORS 197.015(5). Keizer has considered and accommodated the needs of all levels of government as much as it felt possible. Keizer has made an especially concerted effort to coordinate the proposed decision with its regional partners.

On February 21, 2002, the City of Keizer initiated the SKAPAC process to coordinate the decision proposed herein. It did this even though it is not required to do so by comprehensive plan provision or agreement. However, it was useful and convenient for all concerned that Keizer did so as the SKAPAC process acts as a strong Goal 2 coordination mechanism for the region. This is reinforced by the letter from the Department of Land Conservation and Development (DLCD) (Exhibit G) stating: “The department views utilization of the SKAPAC for review of the KSP proposal to be consistent with Statewide Planning Goal 2.”

SKAPAC unanimously determined that the acknowledged Keizer Transportation System Plan (KTSP) contains the regionally coordinated 2006 population projection for the City of Keizer. This 2006 coordinated population projection is 33,927 persons. This 2006 population projection is based on a growth rate of **2.0%**.

Salem more recently asserted that the employment projections for the proposed decision have not been coordinated. However, the coordinated population figures were used to arrive at the projected employment figures. Moreover, the number of jobs created under the proposal is not substantially different from those that are theoretically possible under the current CACP. (See Goal 9 discussion below). Respectfully, this objection is not well-taken.

A majority of SKAPAC approved the City of Keizer's Planning Commission decision recommending to the Keizer City Council certain amendments to the Keizer comprehensive plan and zoning ordinance. Salem issued the lone objections.

The Keizer City Council heard testimony from its citizens, among others, regarding the planning commission recommendation. The Keizer City Council adjusted the planning commission decision to reflect such testimony and the impressions of the Council regarding the best interests of the City. The proposed decision attached is the culmination of that Council effort. The Keizer Council plans to take the proposed decision through the SKAPAC process to hear feedback from the counties and Salem and to accommodate any further concerns as much as possible.

The comprehensive plans of Keizer, Salem, Marion County and Polk County provide for regional policies and procedures. Though titled differently in the respective plans, the text of such regional policies and procedures is nearly identical. Keizer titles this section "Procedures for Amending the Keizer Comprehensive Plan" (p. 71- Keizer Comprehensive Plan). Those procedures call for a distinction between Regional Planning Actions and Non-Regional Planning Actions. Non-Regional planning actions are divided into Urban Area Policies and all other plan amendments. Regional policies are identified as follows: Urban Growth Boundary, Transportation, Willow Lake Treatment Plant, Solid Waste, Storm Drainage Policy, and Residential Density. The procedures also authorize Dual Interest agreements for areas identified by two or more jurisdictions. As explained in the introductory provisions above, the CACP is not one of the identified Regional Policies set forth in the jurisdictions' comprehensive plans. In

addition, it is not an identified Urban Area Policy, nor is it subject to a Dual Interest agreement as set forth in the regional policies and procedures section.

As noted above, the City has modified the proposal in an effort to accommodate Salem's concerns about viable retail occurring in the CACP area by limiting the leasable retail square footage to no more than 975,000 square feet distributed between Arcas A, B, C, and D. While Keizer believes the retail will still be viable at 975,000 square feet, the amount of retail is voluntarily limited and it is thereby anticipated that this helps to meet Salem's concern.

It is hoped that Salem understands that the process has to result in a decision that is good for Keizer. While Keizer understands that Salem wishes to be the center of the regional economy. Whether that is a legitimate demand for Salem to make, especially by opposing Keizer's planning process, is unnecessary to be debated here. Keizer's proposal herein does not prevent Salem from achieving such a goal. The proposal simply allows Keizer to provide sufficient commercial and industrial land inventory to meet the needs of the City residents now and into the future. The proposal will also allow the City to provide for the retail and commercial service (as well as light industrial) needs of its residents who must now leave the city to fulfill many of those needs. This retail leakage is undisputed to exist (Demand Analysis for City of Keizer HF Analysis, Exhibit A-97). Finally, the proposal will provide an enhanced job base for its citizens and a well-rounded and integrated set of economically beneficial uses that generate property taxes in the CACP area. As has been demonstrated, the previous zoning pattern established a series of land use designations and development restrictions that, at a minimum inhibited development of extremely valuable freeway interchange lands.

The City of Salem states in SKAPAC Exhibit 25 (Salem November 26, 2001 memorandum pg. 6, attached to March 11, 2002 memorandum) that, "if an additional commercial retail center is built in Keizer, it may reduce the demand for retail space in Salem. These land allocations should be determined regionally, through the Salem Futures comprehensive planning process." In addition, the City of Salem claims the boundary for the lands analysis should include areas within the City of Salem and Marion County as well (SKAPAC Exhibit 26 (Salem March 19,

2002 memorandum, pg. 7, 11 & SKAPAC Exhibit 25 (Salem November 26, 2001 memorandum pg. 5, attached to March 11, 2002 memorandum}).

The Council finds that the comprehensive plans of Keizer and Salem function as separate plans, each complete in itself and containing its own local goals and policies. Procedurally, the Keizer Comprehensive Plan (KCP) was adopted as a post acknowledgment amendment to the Salem Area Comprehensive Plan (SACP). KCP I(D), Page 4. However, when Keizer incorporated, it became the local jurisdiction responsible for planning and land use decisions within its city limits. KCP I(D), Page 4.

The two plans operate independently of each other except for clearly defined areas of regional concern. This relationship between the KCP and SACP is set forth in Keizer's Plan. The section entitled "Procedures for Amending the Keizer Comprehensive Plan" clearly sets forth that only "regional policies" or "urban area policies" are subject to concurrence or formal coordination. All other actions are exclusively Keizer's jurisdiction. KCP IV(B)(2), Page 72. The Keizer Council finds this proposed decision falls in this category and does not require concurrence of other jurisdictions.

The maximum retail floor area of 975,000 square feet as proposed in this decision is substantially less than the Salem Charter provision. As stated previously, that expressed provision prevents an ordinance or agreement that prohibits regional shopping centers of less than 1,000,000 square feet outside the central business district.

Goal 3: Agricultural Lands

FINDING: Not applicable.

Goal 4: Forest Lands

FINDING: Not applicable.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources

The city's Goal 5 inventory does not identify any resources within the Keizer Station Plan area.

Goal 6: Air, Water and Land Resources Quality

This action does not involve uses or activities which will have an adverse impact on the City's air, water, and land quality. Although some of the potential land uses on the property may change, the nature of the development, such as impervious surface, streets, and traffic, will remain very similar to the current planned activities for the site. Future development within the Keizer Station Plan area will comply with local, state, and federal regulations related to air and water quality standards.

Goal 7: Areas Subject to Natural Disasters and Hazards

The subject property is not located within any natural hazard area.

Goal 8: Recreational Needs

The Keizer Station Plan includes the Entertainment and Sports Center subareas. The existing Keizer Stadium is included in this subarea. New sports and entertainment facilities, such as a possible aquatic center, are envisioned to occur within this subarea. These uses would be intended to complement the Keizer Stadium.

Goal 9: Economic Development

A. Introduction

The City of Keizer currently has a total of three (3) Industrial and four (4) Commercial zoning districts that are all acknowledged as being in compliance with Goal 9. The City's Industrial zoning districts are General Industrial (IG), Industrial Business Park (IBP) and Agricultural Industrial (AI). The City currently has four (4) Commercial Districts and they are: Commercial Office (CO), Commercial Retail (CR), Commercial Mixed Use (CM) and General Commercial (CG).

The proposed decision adds a new zoning designation to the City's potential districts. This new district that will be added to the Keizer Development Code is called the Employment General (EG) zoning district. This EG zoning district is to be applied to the Keizer Station Area A – Village Center. The new EG zoning district allows a mix of industrial and commercial uses. It allows IBP uses, plus it also authorizes a variety of commercial uses. The EG zoning district is best thought of as an "Employment" zoning designation as it has elements of both a commercial and an industrial zoning district. It is designed to provide employment opportunities to Keizer citizens as well as to provide the opportunity for other needed and desired use types. The Keizer Council believes that the EG zoning district and its allowance of a wider range of uses than currently is allowed, will provide incentives to the market to deliver to the area of the city a variety of EG (employment) use types. Thus, the EG zoning district includes a blend of commercial and industrial zoning opportunities and, therefore, its breadth exceeds the possibilities in both designations in an effort to provide greater economic use flexibility to the market.

The following tables show the distribution of zoning for the entirety of Areas A-D under both the existing zoning and the proposal:

Keizer Station Plan Area Zoning (acres)

Zone	Existing Zoning	Proposed Zoning	Change
IBP	124.2	51.6	-75.5
IG	0	32.1	+32.1
CM	18.8	11.4	-7.4
MU	36	34.5	-1.5
P	35.7	0	-35.7
CO	12.5	0	-12.5
CR	0	1.5	+1.5
RS	0	1.1	+1.1
EG	0	95	+95
Total	227.2	227.2	0

The above listed acreage is based upon data from Marion County Assessor's Office, December 2001, updated by a site- specific survey of parcels within the city.

Keizer Station Plan Area Zoning by Subarea (acres)

Area A - Village- 97.1 acres

Existing:

Industrial Business Park – 86.1 acres

Commercial Mixed Use – 11.0 acres

Proposed:

General Industrial – 2.1 acres

General Employment – 95.0 acres*

* EG zone requires minimum of 25% of area (23.75 acres) for industrial use and maximum of 75% of area (71.25 acres) for commercial uses. Retail commercial uses as defined are further limited to a maximum total floor area of 800,000 square feet

Area A - Sports - 66.6 acres

Existing:

Industrial Business Park – 38.1 acres

Public – 28.5 acres

Proposed:

Industrial Business Park – 36.6 acres

General Industrial – 30.0 acres

Retail commercial uses are limited to a maximum total floor area of 15,000 square feet.

Area B – 12.5 acres

Existing:

Commercial Office – 12.5 acres

Proposed:

Commercial Mixed Use – 11.4 acres

Single Family Residential – 1.1 acres

* Retail commercial uses as defined are limited to a maximum total floor area of 25,000 square feet.

Area C – 36.0 acres

Existing:

Mixed Use - 36.0 acres

Proposed:

Mixed Use - 34.5 acres

Commercial Retail - 1.5 acres

* Retail commercial uses as defined are limited to a maximum total floor area of 65,000 square feet.

Area D – 15.0 acres

Existing:

Public – 7.2 acres

Commercial Mixed Use – 7.8 acres

Proposed:

Industrial Business Park – 15.0 acres

* Retail commercial uses as defined are limited to a maximum total floor area of 70,000 square feet.

Currently, there are a total of 124.2 acres of land within the CACP area that are zoned IBP. Specifically, under existing zoning, the IBP zoning in Area A – Village is 86.1 acres. The remaining 11 acres in Area A are currently zoned Commercial Mixed Use (CM). Area A (Sports) currently has the remaining zoned 38.1 acres of IBP zoned land and 28.5 acres of land zoned Public. The rest of the land within the totality of the CACP area is currently zoned as established on the chart above.

Under the proposal, the totality of the CACP land area will have a total of 83.7 acres of land that are specifically zoned for industrial purposes - IBP (51.6 acres) and IG (32.1 acres). However, the amount of land set aside for industrial types of uses is actually greater than the 83.7 acres noted above. This is because under the proposal, an additional 23.7 acres of land in the EG district in Area A - Village is required to be put to IBP uses, effectively increasing the amount of land within Area A devoted to IBP uses by an additional 23.7 acres. This increases the total area devoted to acknowledged industrial types of uses in the proposed decision to 107.4 acres. The 23.7 acres referred to in this regard are the acres in Area A - Village that are subject to the additional requirement that 25% of the land zoned EG also be put to certain IBP uses. The universe of IBP uses allowed was altered somewhat from what is currently allowed in the IBP district in deference to the concerns of the Gubser Neighborhood which expressed concern about heavier industrial types of uses being allowed on adjacent land.

With the exception of 1.1 acres within Area B being changed from Commercial Office to a Single Family residential zoning district, the proposed decision does no more than shift land among Goal 9 types of commercial and industrial land, creating greater flexibility in siting economic uses. In this regard, greater flexibility for developing retail uses is created by eliminating the 50,000 square foot limitation for retail commercial uses. An overall cap of 975,000 total square feet of retail commercial space as defined is established for the entirety of the CACP area (all subareas). Moreover, the EG zoning district applied to Area A – Village encourages a variety of uses for this prime economic use location, thus encouraging the development of the subject land. This greater use flexibility for Area A is believed to result in greater business interest in locating there.

As noted, the CACP was first established in 1988 and amended in 1997. The TGM Study identified this land in Keizer, near I-5 (the CACP area), as a good location for retail, including larger retail store uses (Staff Report Exhibit P). When the City of Salem adopted planning actions after the TGM study on its side of I-5 in the Chemawa Road area, the City of Salem stated its expectations for the not yet adopted CACP:

“Retail commercial uses are integrated into the western, Keizer, quadrants of the interchange. The western quadrants, with their adjacent residential and proposed employment areas, *provide the best location for commercial uses within the interchange area.*” (Emphasis supplied). Staff Report Exhibit P at Salem Staff Report, October 14, 1996, page 6 of 16.

When Keizer ultimately adopted and applied zoning after the TGM Study to the CACP, it restricted retail opportunities. Under these restrictions, the property has not developed.

Keizer is interested in increasing its tax base, providing increased shopping and employment opportunities within the City, and providing a sufficient amount of commercial and industrial land inventory to meet the population and employment projections of the City. Therefore, the City policy choice is whether to establish the opportunity for the kinds of uses the market is likely to respond to favorably, in a manner that acknowledges the recommendations in the TGM Study and as further refined based on evidence in the record including the July 31, 2002 market and economic analyses in the Hobson Ferrarini report in the record (Exhibit A-109). In short, if the City wishes to see the CACP area develop with economic uses and provide the market with the tools to encourage such economic development, the proposed decision is required to do that. While the actual zoning on the subject property is not intensely different in kind, in the sense that it is Goal 9 economic uses zoning, the proposal imposes fewer restrictions on the conditions under which economic uses may develop and, in the Council’s judgment provides a greater and more realistic opportunity for the area to attract economic uses.

B. Goal 9 Issues Raised By Opponents

The City of Salem and others object to the proposal. These objections include a mixture of policy disagreements, as well as complaints framed as Goal 9 and other issues.

Regarding policy, the City of Keizer retains policy-making autonomy for its land use decisions that do not involve amendments to Urban Area Policies, Regional Policies or involving Dual Interest Areas. Keizer Comprehensive Plan IV(B)(2) (page 72). In this regard, the policy choices about the conditions under which economic opportunities may be established in the CACP, as contemplated under the proposed decision, are not Goal 9 issues that deprive the City Council of its authority to govern for the best economic interests of its citizens.

Moreover, as explained above, there is no dispute that the proposed amendments to the CACP do not amend Regional Policies or involve a Dual Interest Area. Moreover, also as noted, the Keizer Comprehensive Plan has no identified Urban Area Policies, and the Salem Area Comprehensive Plan (SACP) identifies the "Regional Policies" as Urban Area Policies. None of those are being amended here and Salem did not explain or identify what, if any, Urban Area Policies it suggests might be amended by the proposal. The Keizer City Council determines above that there are no such policies being amended.

As noted elsewhere, the existing zoning in theoretical planning terms could produce jobs and positive economic outcomes for the City. The problem is that the existing zoning has failed to do so, and the likely reasons are related to the restrictions on the zoning that currently exists. An additional problem with the existing zoning is that demand for industrial uses/employment in Keizer is very limited and is forecasted to remain limited. The existing zoning places too much emphasis on industrial uses that will not occur in Keizer. As a consequence, the existing inventory of industrial property dramatically overstates the forecasted demand for industrial uses. At the same time, the existing inventory of commercial and retail property dramatically understates the forecasted demand for retail uses. Theoretically, the total number of employees that are possible under the existing CACP are roughly equivalent to the number of employees that are possible under the proposed decision. However, the Council believes that the proposed

zoning is more likely than the current zoning to achieve such an outcome because it is more reflective of the actual demand for future uses in the City.

The City notes that Goal 9 has as its purpose:

“To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.”

“Comprehensive plans shall contribute to a stable and healthy economy in all regions of the state. Such plans shall be based on inventories of areas suitable for increased economic activity after taking into consideration [a variety of factors.]”

“Comprehensive plans shall contribute to a stable and healthy economy in all regions of the state. Such plans shall be based on inventories of areas suitable for increased economic activity after taking into consideration [a variety of factors.]”

The City of Keizer and its Urban Renewal Agency have expressed serious concern that the desirable CACP area despite its location, has failed to produce significant economic activities for Keizer citizens. The City, in the proposed decision, will amend its plan for this area to create an employment and economic activity center with broader appeal to a broad class of economic users in a manner that is consistent with the Keizer Comprehensive Plan.

The proposed decision in this regard is one that well meets the terms of Goal 9 and is the kind of leadership that City elected officials are supposed to supply when the City is faced with an economic problem within its boundaries that can be addressed with zoning. Nothing requires the City to maintain a static set of zoning rules or forecloses the City from responding to needs identified by the City’s elected officials.. It is precisely the response of City planning like that in the proposed decision to the inactivity in the existing Chemawa Activity Center Plan, that is anticipated by land use planning and the City’s own economic element of its acknowledged Comprehensive Plan.

The proposal increases the flexibility of the City's interchange lands to enable the City's elected officials and planning program to provide an economic land base that the market will respond to favorably by businesses locating there. This is the point of Goal 9.

Goal 9 includes four points that it works to achieve in local **comprehensive plans**. Amendments to acknowledged plans must establish the continued compliance of the City's economic program with those four points. Those four points are (1) a type of analysis of the community, (2) policies regarding economic opportunity, (3) provision of "at least an adequate" supply of sites for economic uses, and (4) limits on uses on or near economic sites such that those uses are compatible with economic uses.

Under the first point, the City has previously performed a City-wide analysis of its "economic patterns, potentialities, strengths and deficiencies as they relate to state and national trends" and this is reflected in Keizer's acknowledged comprehensive plan, particularly between pages 35 and 52. There is nothing that requires these analyses be performed wholly anew here, where the City is adjusting and enhancing its economic zoning and development opportunities in the CACP area. *See Opus Development v. City of Eugene*, 27 Or LUBA 670 (1995). This is particularly apparent, where as here, the proposal is consistent with the terms of the KCP pages 35-52, which are the result of such studies.

The City has acknowledged policies regarding economic opportunity. Thus, regarding Goal 9's second point, the City's plan contains policies regarding community economic opportunities, including anticipating that the CACP will be an employment center and be a place of commercial and industrial development for the City. *See for example* KCP pages 37(7)(b), (10); page 40(d)(2); page 41(d)(2)(b) and (c); page 49(h); page 51(8). The proposal is consistent with these objectives in the KCP and carries those objectives forward.

Moreover, under Goal 9, point 3, the City is to provide for at least an adequate supply of economic use lands. The analyses that have been provided show that the City has an inadequate supply of Commercial Lands. (D-5-7; A13, 14, 16, 52, 72, Hobson Ferrarini Analysis appended

to Keizer Station Plan and A-109).The proposed decision makes adjustments that increase commercial opportunities to provide the City with *at least an adequate* supply of Commercial Lands, and after the implementation of the proposed decision, there will still be *at least an adequate* amount of industrial lands as well. (D-5-7; A13, 14, 16, 52, 72; July 31, 2002 Hobson economic opportunities memo). All of these adjustments under the proposal occur on land already planned for Goal 9 uses. Therefore, basic planning assumptions regarding these lands as framed in the KCP remain valid.

In the analysis noted above, the City of Keizer currently has only a ten-year inventory of commercial land and a fifty-year inventory of industrial land. The proposed decision more rationally distributes the land inventory in Keizer so there are viable commercial development opportunities and the surplus of industrial land is reduced. The proposed adjustments provide the City with *at least an adequate* supply of commercial lands, and after the implementation of the proposed decision, there will still be *at least an adequate* amount of industrial lands as well.

The proposed decision changes from the planning commission recommendation only by (1) imposing the 975,000 square foot limitation on retail commercial as defined, (2) modifies the EG zoning district text, and (3) makes some minor adjustment to Area D (the Tribes land). The changes to the EG district simply increased the flexibility of that district to provide a land base for commercial and light industrial uses.

The changes to the EG zoning district have no effect on the fundamentals of the land supply analysis performed by Hobson Ferrarini Associates in the Goal 9 economic opportunities analysis. The EG zone continues to mandate that uses be developed as a maximum 75% commercial and a minimum of (25%) industrial park. The Hobson Ferrarini analysis assumed that of the 95 acres zoned EG, 25% were inventories as Industrial land and 71.25 acres (75%) were commercial land.. Under the 800,000 square footage maximum retail commercial limitation applied by this decision to the EG area, assuming a .25 FAR, means that 73.5 acres is the maximum retail commercial that will be allowed in the EG district. This is an assumption

that is only 2.25 acres more than the 71.5 acres of retail commercial assumed in the EG zone under the planning commission recommendation.

The Hobson Ferrarini analysis establishes that the City has a 7.8-acre deficit of commercial land in the 20 year forecast under the planning commission decision. Under the decision attached there is still a deficit of 5.55 acres. Hobson Ferrarini also notes that the EG area could develop 100% as industrial uses.

As noted, the City's IBP zoning district is an acknowledged Goal 9 economic district. The City could have a totality of IBP uses in the EG zoning district. This is because while there is an overall restriction on retail commercial, there is no corresponding restriction on industrial uses.

All of the adjustments to the planning designations under the proposed decision occur on the CACP area land that is already planned for Goal 9 uses. Therefore, basic planning assumptions regarding these lands as framed in the KCP remain valid.

City of Keizer
20 Year Commercial and Industrial Inventory Analysis

	Existing Inventory		Potential Inventory Post PROPOSED DECISION	
	Commercial	Industrial	Commercial	Industrial
Buildable Acres	72.5	99.5	124.8	54.2
20Year Demand	132.6	38.5	132.6	38.5
Surplus/(Deficit)	(60.1)	61.0	(7.8)	15.7
Inventory (years)	10.9	51.5	18.8	28.1

The proposal adjusts within Goal 9 land use categories to make viable economic opportunities available on the subject land and to make it more attractive to economic uses. The proposed decision is consistent with the Goal 9' inquiry of "at least an adequate supply of sites of suitable sizes, types, locations and service levels for a variety of industrial and commercial uses consistent with plan policies." As noted, the Hobson Ferrarini analyses (D-5-7, A-52, A-71 and economic opportunities analysis July 31 2002 – **Exhibit A-109**) the opportunity for economic uses of the subject land are greatly improved under the proposal.

The City notes that in Exhibit A-67, Salem May 6, 2002 memorandum, pg. 2, 3 Salem incorrectly suggests that the proposal will adversely affect Salem's supply of industrial lands. (W- took out the original example in your text because it was too esoteric – hope you agree) The consensus of reports published by Mid-Willamette Valley Council of Governments (MWVCOG), technical memorandums prepared for the City of Salem for Salem Futures, and the analyses completed by Hobson Ferrarini Associates (HFA) for the Keizer Station Plan all confirm that there is a lack of commercial land and a surplus of industrial land in the Salem-Keizer region, in the City of Salem, and in the City of Keizer. Pertinent sections from these reports are presented in EXHIBIT A-109, a memorandum prepared by Hobson Ferrarini Associates (July 15 – Response to the City of Salem May 6 memo...). All five reports cited in this memorandum show a lack of commercial land and an excess of industrial land throughout the Salem/Keizer region. While each report employed different methods to analyze land need, the outcome is the same in each case.

Regarding the fourth point of Goal 9, because the use types allowed under the proposed decision are rough equivalents to the use types that were theoretically allowed previously under the existing zoning, the basic compatibility of the subject area and adjacent uses remains unchanged under the proposed decision proposal.

Salem and other opponents seem to object most under the proposed decision to the proposal to remove the 50,000 square foot size limitation on retail structures. However, just as the imposition of a size limitation does not require a Herculean reanalysis of economic opportunity

under Goal 9, the removal of a size limitation similarly triggers no requirement for such an analysis. In *The Home Depot v. City of Portland*, 169 Or App 599 (2000), the Court of Appeals stated the following regarding Portland's imposition of a size limitation on commercial uses:

"Goal 9 does not require local governments to make land available for every specific kind of economically productive use that anyone wishes to conduct (let alone to make land for every use available in a particular zone or zones). The goal requires planning and provision for "a variety of industrial and commercial uses," not a Herculean--or quixotic--planning and zoning effort whereby every community assures that there are available sites for every conceivable kind of business activity. *Benjfran Development v. Metro. Service Dist.*, 95 Or.App. 22, 26, 767 P.2d 467 (1989); *Western PCS, Inc. v. City of Lake Oswego*, 33 Or. LUBA 369, 382 (1997).

"Petitioner relies on *Opus Development Corp. v. City of Eugene*, 28 Or. LUBA 670 (1995), and *Volny v. City of Bend*, ___ Or. LUBA ___, *aff'd* 168 Or.App. 516, 4 P3d 768 (2000). See also *Opus Development Corp. v. City of Eugene*, 30 Or. LUBA 360, *aff'd* 141 Or.App. 249, 918 P.2d 116 (1996).

In those cases, LUBA held that the local governments were required by Goal 9 to consider the adequacy of their inventory of lands that would remain available for industrial or commercial uses in the aftermath of decisions that would actually redesignate or divert existing industrially-or commercially-zoned lands from *all* industrial and commercial use." (Emphasis in original).

This observation that "quixotic" efforts are unnecessary in such circumstances is important to cities like Keizer that, due to size and tax base limitations, must be conservative with it's spending on land use planning studies, which can be extremely costly in terms of dollars and staff resources. The City has carefully reviewed its policies and is proposing to make relatively modest adjustments to improve the marketability and viability of its interchange lands and, thus, to improve the economic

condition of its people – all within the City’s existing commercially and industrially designated lands.

The chief concerns expressed by opponents seem to have as their genesis that this program the City proposes may indeed work and attract such businesses to make the CACP area one that achieves economic outcomes for Keizer. However, zoning for the potential for economic success is not the equivalent of violating Goal 9.

Relatedly the proposal does not deplete the City’s supply of lands available for commercial and industrial uses, as some of the opponents have asserted. In the existing CACP Area A, there are currently 124.2 acres of land for IBP (Industrial Business Park) uses. Under the proposal, there will be 75% or 71.25 acres of land for which the full spectrum of EG uses are allowed which includes both commercial and industrial opportunity. Further, another 25% or 23.75 acres of land in the EG zoning district of Area A (Village Center) that must be put to IBP use. This means that there will be a total of 75.6 acres of land put to IBP uses under the proposal. Finally, the new zoning district applied to Area A (Village Center), the EG zoning district, does not foreclose IBP uses. As noted above, it is a zoning district that blends both commercial and industrial uses in an effort to create an “employment” zone with flexibility to respond to the market.

Because the EG zoning district allows a number of IBP industrial uses itself, the new EG zoning district adds a flexible 95 acres that can be used for a variety of Commercial/Industrial uses.

Opponents have asserted that OAR 660-015-010 applies to the proposal, requiring Keizer to perform a parcel-by-parcel “economic opportunities” analysis for the entire Marion/Polk/Salem/Keizer UGB. Respectfully, the cited administrative rule includes no such requirement. It is well established that the OAR cited by these opponents to the proposal, applies to periodic review. A recent OAR amendment also reinforces that so long as a planning action is consistent with “the parts of [the city’s] acknowledged plan which addresses the requirements of this division” the analysis the opponents demand is not required. OAR 660-009-0010(4)(a). The

City is not in periodic review. The proposal is consistent with the “parts of the [Keizer Comprehensive Plan] addressing the requirements of this division.” The proposal’s compliance with the KCP is evident. Following the findings regarding the Statewide Planning Goals and Oregon Administrative Rules, the applicable Keizer Comprehensive Plan goals and policies are identified and addressed.

The “requirements of this division” are the requirements of the OAR. The OAR and its divisional requirements have been largely in effect since 1986. The City’s Current Comprehensive Plan, was last amended to comply with the “requirements of this division” after periodic review was completed in 1993, and the compliance plan provisions are reflected in the KCP. This KCP provisions adopted “to meet the requirements of this division” after periodic review are the KCP provisions adopted at pages 35-52.

As part of that periodic review, there was an economic opportunities analysis performed, and an economic opportunities analysis is a “requirement of this division” (OAR 661-015-010). *See Proposed Periodic Review Order 1988, Working Paper 10.* The Working Paper 10 analysis, updated to 2002 using the same Working Paper 10 methodology, makes clear that there is a deficit of commercially zoned lands.

This updated Working Paper 10 analysis extrapolated to Keizer in a manner that is consistent with the KSP, makes clear there is an inadequate supply of commercial land in Keizer and the proposal solves for that inadequacy in a manner that is consistent with the KCP, which was adopted “to satisfy the requirements of this division.”

Moreover, the 1993 final periodic review order “analyzes the economic trends of the community and finds that the existing plan is adequate in addressing them.” Keizer City Council Staff Report, May 4, 1992, page 2. This establishes that the cited portions of the KCP met “the requirement of this division.” Therefore, under the terms of OAR 661-015-010, the City is free to adopt the proposal so long as it is consistent with the KCP. In other words, the City has the power to adopt a program as proposed without having to perform new OAR 661-015-010 – 025

analyses, so long as the proposal is consistent with the KCP provisions at pages 35-52. As noted elsewhere, the proposed decision is consistent with those provisions.

The City's acknowledged provisions designed to comply with Goal 9 and the goal 9 rule are found in the KCP at Pages 37 – 52. All portions of these Keizer Goal 9 policies have been duly acknowledged. This has occurred either through the original acknowledgment of the Keizer Comprehensive Plan or through the periodic review process. The DLCD/LCDC 1993 periodic review orders, together with other supporting documents are set forth in the "City of Keizer Response to Final Salem-Keizer Area Planning Advisory Committee (SKAPAC) Recommendation" (June 7, 2002). SKAPAC Record Exhibit 46. (See particularly the chronology and reference to other exhibits as set forth beginning on Page 22.)

The Keizer Council finds that all portions of the Goal 9 policies have been duly adopted and properly acknowledged, and further incorporates herein as if fully set forth the information and findings set forth in SKAPAC Exhibit 46.

The history of the City's periodic review is explained below.

SKAPAC Exhibit 29

July 15, 1993 DLCD Letter from Director

Letter to City of Keizer and City of Salem stating,

"On June 10, 1993, the Land Conservation and Development Commission (LCDC) reviewed Salem and Keizer's periodic review for compliance with statutory requirements. Enclosed are two LCDC orders resulting from that review. The first order (93-AFFIRM-889) finds that portions of the periodic review orders meet state requirements. These portions are affirmed, and are no longer subject to periodic review.

The second order (93-RA-890) specifies the required amendments to the county's plan and land use regulations that require additional work in order to meet periodic review requirements...

Furthermore, Order 93-RA-890 required three primary issues for the cities to resolve compliance with state requirements. Those issues included 1) Amending regional policies regarding Urban Growth Boundary (UGB) amendments, (2) Adopting policies and measures relating to industrial lands, (3) Adopt clear and objective review process for needed housing types.

The second order relating to industrial land supplies specifically stated:

“In order to comply with Periodic Review Factor Two, Goal 2 and OAR 660-09-000 “Industrial and Commercial Development” the Cities of Salem and Keizer, and Marion County and Polk County must:

- a. Adopt policies and implementing measures which regulate divisions of large industrial sites provided under the recommendations of Project 90 remain available for their intended use.*
- b. Adopt measures, which prevent the rezoning of large industrial sites in the UGB. Alternatively, jurisdictions may assure simultaneous replacement of rezoned large industrial sites, using surplus lands in other uses already in the UGB.*
- c. The jurisdictions may reevaluate the need and supply of industrial land in the regional UGB, consistent with the requirements of the statewide goals and address a and b, above, based on that analysis. In the interim, up to 100 acres of large industrial sites may be re-designated.”*

SKAPAC Exhibit 30

Keizer Ordinance No. 93-250

The City of Keizer complied with the first section DLCD Order 93-RA-890 (a) adopting policy and implementing measures regarding the divisions of large industrial sites. The second half of the requirement of 93-RA-890 (a) relating to Project 90 sites is addressed below.

SKAPAC Exhibit 31

Project 90 – Salem Area Study for 1980-1990

Project 90 was a study conducted of the greater Salem Area including Keizer in 1981. Project 90 identified two areas in the current City of Keizer city limits. One site location included a single parcel owned by Larry Epping (C.A.W.S. Inc.) on River Road [This site exceeded 20 acres]. A second area of properties included a section of the Chemawa Activity Center along with properties that extended to HWY 99 and back down to the intersection of 99 & I-5. This area was referred to as the “Chemawa Economic Development District. The boundary is shown in page 137 of the document. The Chemawa Activity Center is noted on the map of the district to have uses including mixed use, office, and industrial.

On page 142 of the document, the NW quadrant of I-5 and Chemawa Road is described to have ½ employment to be non-manufacturing service jobs of retail, motel and office. The remaining half is suggested to be manufacturing. The proposed decision implements these suggestions. The proposed decision provides a total of 108 acres to be zoned industrial. This equates to approximately half of the NW quadrant of I-5 and Chemawa Road – in accordance with the Project 90 recommendation. In addition, the Alternative KSP includes the rezoning of the SW quadrant of I-5 and Chemawa to be Industrial Business Park. It should be noted that no single parcel in the NW quadrant of I-5 and Chemawa exceeded 20 acres in size.

SKAPAC Exhibit 32

Plan Amendment Tracking Sheet – DLCD File Form

This form was used by DLCD to track two proposals by Keizer in 1993 to amend comprehensive plan designations on separate pieces of properties. The second referenced proposal is the amendment for the River Road property (C.A.W.S. property) to change its comprehensive plan designation from Campus Light Industrial to Mixed Use and rezoning from Urban Transition to Mixed Use for 67 acres. Affected jurisdictions that were noticed included City of Salem, Marion County, Polk County, etc.

SKAPAC Exhibit 33

June 3, 1994 DLCD Notice of Periodic Review Work Program Submittal

This DLCD notice was sent to the City of Salem and City of Keizer. The notice includes the DLCD approved Work Program for the four jurisdictions (Salem, Keizer, Polk County and Marion County). This document includes two attachments. The first is a letter from the City of Salem, dated February 15, 1994, to DLCD and described the attached Work Program. This letter states, "The work program addresses one issue that we have in common with Keizer, i.e., the Urban Growth Boundary policies and procedures. The other two issues (industrial land and multi-family housing) relate specifically to the three jurisdictions (Salem, Marion and Polk Counties) in the Salem Urban Area. As is our practice, we will also coordinate with Keizer on these issues."

Furthermore, the attached work plan for completing Periodic Review in the Salem Urban Area clearly identifies that Keizer was only required to take additional final action on the issue regarding UGB policies. The issues relating to industrial land and multi-family residential only had to be further complied by Salem, Marion and Polk Counties.

SKAPAC Exhibit 34

July 1994 DLCD Notice of Adopted Plan Amendments

This notice includes two notice of adoptions for changed Comprehensive Plan designations. The second specifically is the local notice to DLCD of adoption of the re-designation of the C.A.W.S. property that is described above. The 67 acre parcel was changed from Campus Light Industrial (CLI) to Mixed Use (MU). Keizer Ordinance 93-265 is attached to the notice. Findings attached to the adopted ordinance discuss Project 90 and the substantive reasons to warrant a re-designation of the comprehensive plan designation from CLI to MU.

Notice: Refer back to Exhibit A-67, Salem May 6, 2002 memorandum page 7, refer to correspondence by DLCD dated July 19, 1989. Second paragraph, "There are at least two pending requests to re-designate Project 90 sites for other uses, and we should anticipate additional requests in the future. If the City of Keizer re-designates its large site, this would leave the city with no role in accommodating large industrial development in the region.

Following the approval of the re-designation of the C.A.W.S. property, the City of Keizer was no longer required to meet the second portion of the DLCD 93-RA-890 Order relating to reservation of sites identified in Project 90 because the C.A.W.S. property was the only parcel in Keizer over 20 acres that would have been required to be protected from division. Again, the properties within the Chemawa Activity Center did not contain individual parcels over 20 acres.

SKAPAC Exhibit 35

August 26, 1994 DLCD Approval of Periodic Review Work Program (Order 00117)

DLCD confirmed approval of the Work Program submittal for the City of Salem and City of Keizer as submitted on June 3, 1994.

SKAPAC Exhibit 36

January 23, 1995, Marion County Commission Ordinance No. 1004

Marion County Board of Commissioner ordinance approving the Keizer UGB boundary amendments as required by DLCD. The ordinance has attached Keizer Ordinance No. 94-311. This was the last DLCD identified issue by DLCD for Keizer compliance with Periodic Review.

February 26, 2002 DLCD E-mail Correspondence indicating Keizer requirements for Periodic Review

This is a series of three e-mails by DLCD staff, which confirms that the City of Keizer is required to initiate Periodic Review by October 2005. DLCD did not issue a termination order, however the record clearly shows Keizer completed all requirements for periodic review in accordance with Order 93-RA-890. The proposal is consistent with the city's acknowledged Goal 9 elements that implement Goal 9.

In the alternative, the City notes that an economic opportunities analysis was performed within the city. That economic opportunities analysis is in the Hobson Ferrarini July 31, 2002 Memorandum and Attachments (**Exhibit A-109**) That analysis confirms that the City has an inadequate supply of land for commercial development. That analysis also confirms that the City has an overabundance of industrial land. The proposal creates a more rational allocation of land; it creates more opportunities for commercial development while reducing the oversupply of industrial land. As noted previously, the City of Keizer currently has approximately a 10 year inventory of commercial land, far short of the 20 year supply required by Oregon law. At the same time the industrial land supply in the city is excessive and would not be built out form more than 50 years. The proposal would better balance the city's inventory. The commercial land inventory would increase to a 19 year supply and provide for more economic development opportunities. The industrial land inventory would be reduced to 28 year supply. It is noted that this enhanced opportunity provided under the proposal is one that is consistent with the recommendations on the TGM Study, explained above.

The City also noted that objectors invited the City to leave its restrictive zoning in place and try to attract businesses using the State Economic Development Department. This is a policy choice the City can make; it can chose to do nothing other than to work with a state bureaucracy under restrictive zoning for the interchange area. However, there is no requirement that the City fail to act to remedy its inadequate supply of commercial lands or fail to make the CACP area more attractive to business or wait to exercise its discretion about what is the best zoning proposal for

this area – awaiting a decision or analysis from the State Economic Development Department. The City can chose to make the policy choices reflected in the proposed decision. The proposed decision and its policy choices do not foreclose the City from working with the state Economic Development Department to market the area. However, the zoning framework for such work is enhanced by the proposal.

The choice to relieve restrictions on retail uses in the CACP area and to work under the directive of the Keizer Urban Renewal District to redevelop the CACP area in a manner that increases the City's flexibility to improve its economic condition is the choice reflected in the proposal. As noted, there is nothing in any law that prevents the City from working with the State Economic Development Department with the more flexible zoning contemplated under the proposed decision. The proposed decision simply increases the tools available to the City and others who wish to market the CACP area to businesses and the types of businesses that may occupy the property. This is consistent with Goal 9 and, in the City's view, it more consistent with that Goal's purpose of providing at *least* an adequate supply of land for business to locate on.

Finally, there are concerns expressed about the proposal because it will actually achieve its goals and work to attract retail businesses and indeed create an economic and employment center. As noted, Salem has stated an objection that it prefers its downtown be the economic center of the mid-Willamette Valley. With all due respect, Keizer is entitled to continue to make its employment and commercial lands work to attract employers and retailers. Keizer has autonomy under the explicit terms of both the KCP and the SACP to make its own individual land use decisions, such as the proposal, to improve the condition of the people of Keizer.

Goal 10: Housing

Goal 10 requires that the city have an "adequate number of needed housing units at price ranges and rent levels, which are commensurate with the financial capabilities of Oregon households." Keizer has an acknowledged housing inventory for low, medium, and higher density housing for its citizens

over the planning horizon. The city continues to have land available under a variety of residential zones, thereby maintaining appropriate housing opportunities for city residents.

When proposed amendments do not affect a city's acknowledged Goal 10 inventory, the goal is satisfied, and the city is under no obligation to conduct a new housing/jobs analysis.

The amendments in the attached decision will not adversely impact the City's housing inventory or availability of residential land for future growth. The recommended amendments primarily occur on lands already zoned for non-residential uses (e.g., Office Commercial to Retail Commercial and Industrial Business Park to Commercial Mixed-Use). There is one minor (1.5 acre) amendment from Mixed-Use, which allows residential development, to Retail Commercial, which does not.

The proposal also includes the conversion of approximately 1 acre from CO to RS, which is an increase of 1 acre of residential zoning to allow completion of Dennis Ray Way in Area B. Thus there is only an insignificant 0.5 acre difference in the amount of residential land under the proposal. This difference, however, is largely offset by the existing MU Mixed Use zone designation in Area C. This zoning district provides the potential for higher density housing in the city, which typically provides more affordable housing opportunities. The proposal's allowance of greater commercial opportunities also facilitates the ability of the mixed use area to produce viable high density housing because of the job and shopping amenities that will be within walking distance of the high density housing offered in the MU zone.

The theoretical number of employees possible under the existing and proposal proposed zoning for the subject property are rough equivalents. Therefore, there can be no affect under the proposal on the City's housing inventory.

The potential employment estimated by the COG under the current Chemawa Activity Center Plan is 3,127 (SKAPAC Exhibit 38, June 5, 2002 memo from Mike Jaffe). The corresponding employment estimated under the staff recommendation was 2,930 YES (Source: Hobson Ferrarini Assoc. applying the same methodology to the staff recommended alternative as for the original Keizer Station Plan proposal, which yielded the 3,304 job estimate). This will yield a potential

difference in full-time equivalent employment of less than 200 jobs, indicating there will be less demand for housing in Keizer under the proposal than with the existing Chemawa Activity Center Plan.

Hobson Ferrarini Associates compared the number of full time employees forecasted to locate within the Keizer Station Planning area to the capacity of buildable residential land in the City of Keizer (Exhibit A-92). This analysis shows that the existing supply of residential land in the City of Keizer is more than adequate to support the number of employees expected to locate in the KSP. The residential land supply in Keizer can accommodate up to 6,738 new dwelling units, exceeding the 2,930 employees expected at the KSP by a wide margin.

As noted above, Goal 10 requires the city to have an “adequate number of needed housing units at price ranges and rent levels, which are commensurate with the financial capabilities of Oregon households.” The previously cited analysis completed by Hobson Ferrarini Associates (Exhibit A-92) shows there is enough land by zoning designation to accommodate the full range of housing types that might be demanded in the future, from single-family detached to high-density condominiums and apartments. With an acknowledged housing inventory and a variety of developable residentially zoned land, the staff recommended alternative is consistent with the requirements of Goal 10.

Other Housing-Related Issues

Salem argues the additional employment must be coordinated regionally because it is significantly different from current assumptions. Also, Salem states this additional employment will have an impact upon the local housing supply and should be addressed under Goal 10.

As addressed above, Salem’s assertions are wrong; the proposal is expected to have 200 fewer jobs than the existing Chemawa Activity Center Plan [theoretically would have anticipated. The CACP was the planning program upon which the assumptions about impacts on facilities and other areas are based. Therefore, where the proposal has fewer impacts than theoretically was possible under the CACP, there is no need for any adjustment to be considered to any other planning program. For purposes of planning, the CACP is more intense – although only fractionally. In reality, the

proposal will result in real economic opportunity for Keizer citizens. However, it is the theoretical planning assumptions upon which the various components of the City's plan was then and now based that matters to the arguments Salem asserts here and elsewhere, as is explained in other sections of these findings.].

In several memorandums Salem has also compared the total number of jobs in the CAC to the proposal. These comparisons, however, have contained faulty information:

In its May 6, 2002 memo (EXHIBIT A-67) Salem notes that the direct employment forecast for the Keizer Station Plan is 3,304 for the plan area, and that an additional 855 indirect and induced jobs for a total of 4,159 new jobs (Exhibit A-67. May 6, 2002, Supplemental Comments from Vickie Hardin Woods). The 4,159 figure referenced by Salem is a full development estimate that includes indirect and induced employment. The Salem staff then compares it to the 1,090 employment figure, which is a 10-year employment forecast (less than full development) that does not include indirect and induced employment. In other words, this is not an "apples to apples" comparison. The COG staff was asked to clarify the employment forecasts that apply to the area under the existing zoning. They are a full development forecast of 3,127 employees and a 1,089-employee estimate by 2025 (June 5, 2002 memo from Mike Jaffe). These figures do not include indirect or induced employment.

It is important to understand that indirect and induced jobs pertain to employment that is related to serving businesses that locate within the plan area. An induced job can be in Chicago, and while many of the indirect and induced employees will generally be located in the area they will not necessarily be located in Keizer as assumed by the Salem staff. For example, a wholesale supplier in Portland or Salem may hire more employees to serve a new business that locates in the plan area.

In a later memo (SKAPAC Exhibit 28, June 3, 2002, Salem Response to Joint Meeting of SKAPAC by Vickie Hardin Woods), Salem states that the Keizer Station Plan will generate 3,034 new jobs along with 1,125 indirect and induced jobs for a total of 4,159 new jobs in the city. The source of the second set of figures in the June memo is not indicated, and it is not clear if they are intended to refer to the original proposal, as the May memo does, or the recommended staff alternative.

Again, the staff recommended alternative was estimated to result in 2,930 employees (not counting indirect or induced employment) at full development. The City believes this number is correct under the proposal attached as preliminarily accepted by the City Council. The 2,930 full development employment forecast for the proposal is closely comparable to the COG full development forecast of 3,127 employees.

In several memos written by DLCD and Salem (DLCD memo from November 20, 2001 EXHBIT G; Salem Memo from May 6, 2002 Exhibit A-67) have stated that wages expected at the Chemawa Activity Center will be higher than they are for the proposal since the Chemawa Activity Center contains more industrial land.

First, such analysis is irrelevant to Goal 10. The City has an adequate inventory of land for a variety of housing types. Second, developing a comparison between average potential income estimates for the Chemawa Activity Center Plan and for the staff recommendation are speculative at best because income levels can vary drastically depending upon the specific industrial or commercial employers that ultimately locate here. So while the evidence in the record indicates that industrial employment generally features higher wage levels, commercial employment can also offer similar incomes.

As shown in the following table, retail average wages are not as low as generally perceived. Wages range from approximately \$20,000 to \$32,000 annually. In fact, some retailers pay wages that are similar or higher than the industrial sector. For example, industrial employment includes divisions such as Apparel and Other Textiles (\$21,799), Transportation Services (\$23,693), and Local Trucking (\$14,466). These wage levels are below many of the retail sectors, as shown below.

Table 1
Full-Time Equivalent Average Annual Pay in the Retail Sector
Marion County, 2001

Sector Name	SIC Code	Full-Time Equivalent Pay
Total Retail Trade	52-59	\$21,879
Bldg. Material	52	\$31,395
Gen Merchandise	53	\$21,425
Food Stores	54	\$25,518
Auto Dealer and Parts	55	\$34,686
Apparel and Accessories	56	\$18,596
Furniture and Home Furnishings	57	\$31,941
Eating and Drinking	58	\$13,559
Misc. Retail	59	\$20,301

Note: 1999 covered employment statistics, made current to 2001 using changes in the CPI. Also adjusts for part-time employment in this sector.

SOURCE: Oregon Employment Department

The proposal has nothing to do with Goal 10. The proposal is not contrary to Goal 10.

Goal 11: Public Facilities and Services

W&H Pacific has evaluated the proposed zoning recommended in the Keizer Station Plan from the perspective of providing public facilities (sanitary sewer, storm sewer, and domestic water). This analysis demonstrates that public facilities are either in place or can be provided to support the proposed levels of development in the Keizer Station Plan.

Goal 12: Transportation

As demonstrated in the Kittelson & Associates Transportation Analysis (Exhibit B, Appendix B), the original Keizer Station Plan proposal (Appendix A) would generate 210 fewer net new trips during the weekday p.m. peak hour than is currently allowed under the existing zoning pattern and assumed in the KTSP. Kittelson & Associates performed a second analysis for the staff recommended alternative, which had a higher industrial component than the original proposal. Kittelson concluded this option would have 115 fewer net new trips during the weekday p.m.

peak hour (Exhibit A-15). ODOT reviewed this information and concurred with the analysis and conclusions (Exhibit A-74).

The transportation elements of the CACP are unchanged under the proposal. In addition, the proposal is consistent with the acknowledged Keizer TSP because: the underpass or comparable facility improvement continues to be assumed, the potential traffic impact of the proposal is less than what is anticipated with the CACP, the .87 v/c ratio is maintained for the ODOT facilities, and the street designations identified in the KTSP will be incorporated as part of the master plans that are required prior to development.

Opponents to the proposal have indicated that the transportation analysis conducted by Kittelson and Associates is inappropriate for a number of reasons, including assuming an unrealistic "worst case" level of traffic attributed to the existing zoning and taking a 10% credit, as permitted by the Oregon Transportation Planning Rule (TPR – OAR 660-0012-0060(5)), for mixed-use, pedestrian-friendly development. The evaluation, according to the opponents, has led to artificially low traffic volume forecasts for the original proposal and the staff recommended alternative.

Goal 12 and the TPR (OAR 660-0012-0060(1) require that any plan or land use regulation amendment, which significantly affects a transportation facility, must be mitigated in one or more of four ways specified in the rule. OAR 660-0012-0060(2) describes when a plan or land use regulation significantly affects a transportation facility. LUBA has held that when proposed amendments do not cause traffic impacts greater than the existing zoning, the proposed amendments do not have a significant impact and Goal 12 and the TPR are satisfied (ODOT v. City of Klamath Falls, LUBA No. 2000-147, slip op at 5, April 17, 2001).

The City finds that the proposed amendments satisfy Goal 12 and the TPR and importantly the City's acknowledged TSP. Kittelson and Associates has properly conducted a traffic study for the proposal according accepted industry standards and methodology (Exhibit A-15 and A-74). The proposal has been found to generate slightly fewer weekday p.m. peak hour traffic compared to

what is possible with the existing zoning associated with the Chemawa Activity Center Plan. The proposal is also consistent with the KTSP.

Moreover, ODOT, the agency with jurisdiction over the Chemawa interchange and the expertise to conduct an independent analysis, has reviewed the Kittelson and Associates reports for both the original proposal and the planning commission decision. The proposal is functionally the same for traffic generation purposes as the planning commission decision.

ODOT concurred with the findings of the Kittelson studies, and in its letter to the City (Exhibit A-74) presented a comparative traffic analysis for the current zoning, original proposal zoning, and the staff alternative zoning. ODOT concluded that the potential p.m. peak traffic generation from the plan area would be 3,425 – existing zoning, 3,215 – original proposed zoning, and 2,744 – staff recommended zoning. It should be noted that the ODOT analysis included the 10% credit for mixed-use, pedestrian-friendly development for all three alternatives.

Goal 13: Energy Conservation

The proposed designations will provide needed commercial and industrial land that will offer residents of Keizer opportunities for jobs and shopping that will not require residents to leave the city for these purposes. This will have the affect of reducing the need for travel to other parts of the region for employment and commercial opportunities.

Goal 14: Urbanization

Some of the objectors assert that the proposal is contrary to Goal 14. However, the subject property is located within the City's UGB and has been planned and Zoned for commercial and industrial urban uses since 1988. The proposal continues those urban Goal 9 economic planning assumptions.

The TGM Study recommended the CACP have more retail opportunity and noted it was an excellent area for larger retail stores. There is simply no Goal 14 issue that the proposal raises. The Goal 14 issue raised as an objection to the proposal is too tenuous to be explained. The proposal, that adjusts commercial and industrial zoning among lands already zoned and planned for commercial and industrial uses and that have been zoned for a spectrum of commercial and industrial uses since 1988, is not foreclosed by the terms of Goal 14. The City cannot understand how there is a Goal 14 concern in any respect under the proposal.

Goal 15: Willamette Greenway

Not applicable.

Goal 16 to 19: Estuarine Resource, Coastal Shorelands, Beaches and Dunes, and, Ocean Resources

Not applicable.

Conformity with Goal 9 Rule (OAR 660-009-0010(4) – effective October 2, 2001

Effective October 2, 2001, LCDC amended its Goal 9 administrative rule at 660-009-0010(4). Because the proposed Keizer Station Plan is being considered through the legislative process, the new rule amendment applies to the Keizer Station Plan pursuant to ORS 197.646. The proposed Keizer Station Plan will amend designations of land in Keizer to or from commercial or industrial use in excess of two acres.

OAR 660-009-0010

- (4) Notwithstanding paragraph (2), above, a jurisdiction which changes its plan designations of lands in excess of two acres to or from commercial or industrial use, pursuant to OAR 660-Division 18 (a post acknowledgement plan amendment), must***

address all applicable planning requirements; and

- (a) Demonstrate that the proposed amendment is consistent with the parts of it acknowledged comprehensive plan which addresses the requirements of this division; or*
- (b) Amend its comprehensive plan to explain the proposed amendment, pursuant to OAR 660-009-0015 through 660-009-0025; or*
- (c) Adopt a combination of the above, consistent with the requirements of this division.*

FINDINGS: The amendments approved by the City Council (shown as Exhibit 111) includes zoning that requires a mixture of commercial and industrial lands in a method, which is consistent with current Comprehensive Plan goals and policies. The Keizer Station Plan provides extensive findings demonstrating how the proposed amendments are consistent with all applicable elements of the Keizer Comprehensive Plan. In addition, the following findings are provided to demonstrate compliance with OAR 660-009-0010 (4)(a).

Hobson Ferrarini Associates prepared an Economic Analysis for the Keizer Station Plan (July 2001). The complete report is included in Appendix A of the Keizer Station Plan. The Hobson analysis corresponds to the Economic Opportunities Analysis requirements of OAR 660-009-0015. This analysis evaluated a number of economic factors to demonstrate compliance with the Keizer Comprehensive Plan, including:

1. Economic opportunities within Keizer over the next 20 years in the commercial and industrial land use categories;
2. An inventory of existing commercial and industrial land in the city;
3. Estimates of the amount of commercial and industrial activity that could reasonably be expected to occur in Keizer over the next twenty years; and
4. A comparison of anticipated commercial and industrial demand with available commercial and industrial land inventories.

Retail and Industrial Land Supply

With regard to the Plan Amendment and Zone Change criteria in the Keizer Development Code, the Hobson Ferrarini Associates report determined the following:

A. The proposed amendments for the Keizer Station Plan meets the City of Keizer's criteria analyzed in this report:

- There is not an adequate supply of vacant retail commercial land in the City currently to meet the needs of its residents. The proposed Keizer Station Plan would help alleviate this shortage in the short-term. The findings in this document as well as the Hobson Ferrarini information contained in the exhibits, describe both the existing and projected demand for retail services in Keizer in terms of retail space and retail acreage.
- There is an extensive supply of vacant industrial land currently, based on a twenty year planning horizon. The proposed zone change would reduce this excess supply while still providing the City with enough land to accommodate future industrial development over the next twenty years. The Hobson Ferrarini information indicates that the city presently has a supply of 83.4 acres of industrial land and a forecast 2021 cumulative demand for 38.5 acres of industrial land. Therefore, some shift from industrial to commercial use is consistent with applicable Comprehensive Plan provisions as described in this report.

B. The proposed amendments for the Keizer Station Plan would better allocate land given the current and forecasted need:

- There is an immediate need for more retail commercial development in the City. Retail leakage exists:

- Forcing households to shop outside the market area;
 - Increasing traffic congestion at existing retail locations;
 - Increasing the length of shopping trips, thus taxing existing infrastructure and increasing vehicle miles traveled (VMT); and
 - Making shopping more inconvenient and expensive due to additional time and transportation costs.
- There is an excessive amount of industrial land in the City that will not be fully absorbed for more than 40 years. The proposed amendments would leave the city with a 20-year supply of industrial land while allowing needed retail development to occur immediately. The proposed amendments will not limit industrial development opportunities in the City.

C. The subject property is better suited for retail development than industrial development:

- The location of the subject property off of Interstate 5 is better suited for retail establishments who need the high visibility to compete effectively. Industrial land users do not need the high level of visibility that exists at the subject property.
- The subject property is in an ideal location to serve current and the future residents who live on the north side of Keizer. There is currently no conveniently located retail for these households. Furthermore, recent and future population growth has occurred and will continue to occur in the northern sector of the City.

Conformity with the Transportation Planning Rule

660-12-60 Plan and Land Use Regulations Amendments

- (1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed***

land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. This shall be accomplished by either:

- (a) Limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;*
 - (b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;*
 - (c) Altering land use designation, densities, or design requirement to reduce demand for automobile travel needs through other modes; or*
 - (d) Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.*
- (2) A plan or land use regulation amendment significantly affects a transportation facility if it:*
- (a) Changes the functional classification of an existing or planned transportation facility;*
 - (b) Changes standards implementing a functional classification system;*
 - (c) Allows types of levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or*
 - (d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.*

FINDINGS: The relevant inquiry under OAR 660-012-0060(2) is whether the proposed amendment “would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.” Therefore, the first issue to determine is whether the City’s existing transportation facilities are adequate to handle, throughout the relevant planning period, any

additional traffic that the proposed amendment will generate. If the proposed amendment does not generate additional traffic beyond what was assumed in the Keizer TSP (KTSP), then it can be concluded that the level of service in the KTSP will continue to be met and the proposed amendment will not significantly affect the transportation system. No further analysis is necessary at this planning stage.

Development is not being proposed as a part of this amendment. Therefore, the significance test can be analyzed based on a comparison of the trip generation of the existing zoning pattern (which the adopted TSP is based on) and the proposed zoning pattern.

As demonstrated in the Kittelson & Associates Transportation Analysis (Exhibit B, Appendix B), the original Keizer Station Plan proposal (Appendix A) would generate 210 fewer net new trips during the weekday p.m. peak hour than is currently allowed under the existing zoning pattern and assumed in the KTSP. A second analysis was performed by Kittelson & Associates for the staff recommended alternative, which had a higher industrial component than the original proposal. Kittelson concluded this option would have 115 fewer net new trips during the weekday p.m. peak hour (Exhibit A-15). ODOT reviewed this information and concurred with the analysis and conclusions (Exhibit A-74).

The City Council decision represents a minor modification of the staff alternative, which continues to feature the same general mixture of potential uses. In particular, the 25% minimum of the EG Zone acreage devoted to industrial uses would be retained, and a new total commercial retail floor area limitation of 975,000 square feet would be imposed for the KSP area. As confirmed by Kittelson & Associates, the City Council decision will have traffic impacts that are between those of the original and staff recommended alternatives (Exhibits A-15 and A-74). In addition to these findings, the Keizer Station Plan retains the 0.87 V/C level of service standard as previously adopted in the Chemawa Activity Center Plan as noted under the Goal 12 Transportation findings. The Kittelson analysis was reviewed by both the Keizer Public Works Department and ODOT, which both agreed with the analysis and conclusions. Therefore, the proposed amendment will not play a causative role in reducing the applicable performance standard below the minimum

acceptable level, because there is a net decrease in new trips generated by the proposed amendment when compared to the new trips generated under the current zoning. Therefore, the amendment does not significantly affect a facility under OAR 660-012-0060(2)(d).

Compliance with the Keizer Comprehensive Plan – Chapter III: Findings and Policies

The following findings address the applicable Keizer Comprehensive Plan Goals and Policies.

A. *SIGNIFICANT NATURAL AND CULTURAL FEATURES* (pp. 20-22)

2. *GOALS AND POLICIES*

f. *Energy Conservation*

- 1. *Consider and foster the efficient use of energy in land use and transportation planning.***
- 4. *Encourage renewal and conservation of existing urban neighborhoods and buildings, and create a multi-centered land use pattern to decrease travel needs. In-filling of passed over vacant land should be encouraged. Emphasis on close locational relationships among developments for living, working, shopping and recreation should be encouraged through planned mixed-use zones.***
- 5. *Provide for higher density and more economical residential developments as an alternative to single-family detached housing.***
- 6. *Plan for commercial, office, retail and service facilities, including schools, churches, public and semi-public uses at both the community and neighborhood level, and within walking distance of residential areas.***

7. *Encourage cluster developments of mixed uses to promote energy conservation and to allow more efficient centralized energy systems.*

FINDINGS: The above policies that are relevant to the proposal all have the same underlying theme of intelligently mixing and orienting land uses to promote energy efficiency, especially for transportation. The CACP calls for a mix of commercial, industrial, and residential land uses. The KSP, although different in a number of ways, continues to call for a very similar mix and location of commercial, industrial, and residential activity near the Chemawa Road/I-5 interchange. In addition to the location of uses, the Keizer Development Code will continue to feature development and design requirements, which will continue to encourage walking, bicycling, and transit. The proposed designations will provide needed commercial and industrial land that will offer residents of Keizer opportunities for jobs and shopping within the city, rather than requiring residents to leave the city for these purposes. This will have the affect of reducing the need for travel to other parts of the region for employment and commercial opportunities.

The Keizer Station Plan is located where most new population growth in the city of Keizer has occurred, and will continue to occur for the foreseeable future. The City of Keizer has grown and continues to grow primarily within the northern sector of the City, north of Lockhaven Drive.

B. URBAN GROWTH AND GROWTH MANAGEMENT (pp. 27-31)

2. GOALS AND POLICIES

a. General Goals

2. Within the urban growth boundary:

- (a) Ensure adequate buildable land is available for all uses.***
- (b) Provide for the orderly and efficient provision of public facilities and services.***
- (c) Encourage development in areas already served by major public facilities before extending services to unserved areas.***

FINDINGS: The proposed land use designations will support the projected need for commercial and industrial land within Keizer. As demonstrated in the Hobson Ferrarini Economic Analysis (Exhibit A-109), the city has both a short-term (5-year) and long-term (20-year) deficiency in the amount of commercial land available to support the project population growth within the community. The proposed land use designations will create a better overall balance to the city's land use pattern and will provide sufficient industrial and commercial land inventory to support the growing community.

With regard to industrial land, there is an excessive amount of industrial land in the City that will not be fully absorbed for more than 40 years. The proposed amendments would leave the city with a 20-year supply of industrial land while allowing needed retail development to occur immediately. The proposed amendments will not limit industrial development opportunities in the City. The plan approved by the City Council (Exhibit 111) includes zoning designations that allow a mixture of commercial and industrial lands in a manner, which is consistent with current Comprehensive Plan goals and policies.

W&H Pacific has evaluated the proposed zoning recommended in the Keizer Station Plan from the perspective of providing public facilities (sanitary sewer, storm sewer, and domestic water). This analysis demonstrates that public facilities are either in place or can be provided to support the proposed levels of development in the Keizer Station Plan. (Exhibit A, Chapter V).

b. Urban Growth Policies

1. *Contain urban development within planned urban areas where basic services such as sewers, water facilities, police and fire protection can be efficiently and economically provided.*
2. *Conserve resources by encouraging orderly development of land.*
4. *Make more economical use of local tax dollars in locating facilities and providing services for the benefit of all citizens within the urban growth area.*
5. *Provide property owners greater security in long-range planning and investments.*

6. *Make it possible for utility extensions, transportation facilities, and schools to be designed and located so as to more closely match population growth.*
7. *Preserve and enhance the livability of the area.*
8. *Use public facilities and services as a framework for urban development.*

FINDINGS: The Keizer Station Plan provides for an orderly transition of vacant, urban land to uses that will support the future growth of the community. Public facilities are available to the site and can be provided efficiently and economically as demonstrated in the analysis prepared by W&H Pacific. Public services, including police, emergency services, and transit all are available or can be made available to serve the area. It is important to recognize that although the zoning requirements are being modified, the service demands will remain comparable between the CACP and the KSP.

c. *Growth Management Policies*

4. *Establish as a medium priority the extension of public facilities to the Chemawa Interchange area.*
 - (a) *Develop a plan and implementation program for public facility financing.*
 - (b) *Encourage the consolidation of existing parcels. Discourage further subdivision of existing parcels.*
 - (c) *Retain agricultural zoning until long-term public facilities are planned or available. Once facilities are planned or available, actively recruit new commercial and industrial development.*

FINDINGS: The Keizer Station Plan includes plan and zoning designations for the area covered by the CACP plus the land included in the Entertainment and Sports Center addition to Area A. Prior to development of land within the activity center, public services will be provided to the site. As the Public Facilities assessment prepared by W&H Pacific for the KSP indicates, public services are available to the property and can be extended as development occurs.

It is likely that consolidation of existing parcels will occur when development is proposed in the Keizer Station Plan area. Future subdivision and parcelization patterns will be established when development is proposed for the site. According to the amended Development Code criteria (Exhibit A-111, Attachment C), a master plan must be approved prior to any development. This will further discourage parcelization of properties.

Prior to development in the Keizer Station Plan area, agricultural uses that are occurring on property within the plan area may continue. Plans for the extension of public facilities to the property within the plan area will occur in conjunction with future commercial and industrial development.

6. *Support public facility extensions when new development provides its own financing. The cost of new growth should, to the extent possible, be borne by the new growth itself.*
7. *Establish as a high priority construction of public improvements in areas where sewer and water facilities are already provided, particularly storm sewers and streets.*

FINDINGS: The Keizer Station Plan will implement these policies for public facility improvements. The Plan will result in the provision of public facilities to the Chemawa Interchange area through a cooperative approach between the city and the property owners. This partnership for providing public facilities is described in the memorandum from the Public Works Department (Exhibit C).

C. LAND USE AND ECONOMIC DEVELOPMENT (pp. 32-37)

2. GOALS AND POLICIES: RESIDENTIAL DEVELOPMENT

a. General Goals

1. *Provide residential land for a variety of housing types, sizes densities, locations and costs.*

2. *Encourage the location of residential development where full urban services, public facilities, and routes of public transportation are available.*
3. *Provide housing opportunities for all types of housing needs.*
4. *Encourage development of housing units for low and moderate-income households.*
6. *Conserve the existing sound housing stock.*
9. *Protect existing and proposed residential areas from conflicting non-residential land uses while providing for compatible mixed-use development (residential and non-residential).*

FINDINGS: The Keizer Station Plan will not impact the availability of housing opportunities in the city. Existing areas within the Keizer Station Plan area that are currently planned for residential use will not be changed as a result of this proposal.

The extent of commercial development in Retail Service Center (Area B) is proposed to allow the completion of the existing residential neighborhood on Dennis Ray Way. Completing a cul-de-sac and platting 3 to 6 additional lots will greatly enhance the livability of this neighborhood, particularly once commercial uses are located to the south and east. The MU designation in Area C is also amended to include a cap of 25,000 square feet of commercial floor area. The remaining area must be devoted for residential uses.

b. General Policies

2. *Plan for low, medium and high density residential uses consistent with 20-year projections of demand. Periodically monitor and analyze the population and dwelling unit projections to provide a reliable basis for land use decisions and to assure sufficient residential land to maintain a positive balance between supply and demand.*
5. *Provide for and promote generally higher residential densities to encourage a compact urban form.*

6. *Encourage higher density residential development near industrial and commercial centers.*
7. *Encourage in-filling of existing undeveloped lots.*
13. *Discourage through traffic in residential neighborhoods.*
19. *Investigate and, when advisable, implement mixed use zoning, particularly in established neighborhoods where compatible and functional mixes of land uses are desirable.*

FINDINGS: The Keizer Station Plan will not impact the availability of housing opportunities in the city. Existing areas within the Keizer Station Plan area that are currently planned for residential use will not be changed as a result of this proposal. As noted above, the proposed code amendments will provide additional assurance by expanding the residential zoning to allow completion of Dennis Ray Way as a residential neighborhood and by limiting the amount of commercial development in Area C to ensure a significant amount of residential development. The Keizer Station area will continue to be planned for mixed-use zoning and will allow a variety of housing types.

The KSP and related Development Code provisions will require evaluation of the proposed street and other transportation facilities as part of the development master plan stage to ensure they are adequate to handle the demands of new development in the area. This evaluation will also include a review of the street system to discourage or eliminate through traffic in nearby neighborhoods.

3. *Findings: Economic, Commercial and Industrial Development*

a. *General*

7. *Keizer has three major opportunities for economic development.*
 - (a) *Mixed-use development (office, retail, government) in the area north of Olson Street and generally west of North River Road.*

- (b) *Commercial and industrial development in the area adjacent to the Chemawa Interchange on I-5, primarily to the north of Lockhaven Drive, secondarily to the south.*
- (c) *Redevelopment and in-filling of commercial development along the North River Road and Cherry Avenue corridor from the southern City limit to Olson Street.*

FINDINGS: The Keizer Station Plan supports this policy by promoting the commercial and industrial development activities envisioned in the area adjacent to the Chemawa Interchange. The plan supports the economic development opportunity at this location that the Comprehensive Plan identifies and provides a more appropriate balance of land use designations to meet the documented demand for industrial and commercial activity in Keizer over the next 20 years.

- 10) *There exists both general and specific support for commercial and industrial development at the Chemawa Interchange. Property owners owning a majority of the vacant and largely vacant land northwest of the interchange have indicated their desire to have the land zoned for industrial and commercial uses.*

FINDINGS: The Keizer Station Plan supports implementation of this policy by providing for industrial and commercial uses on the vacant land in the vicinity of the Chemawa Interchange. The Keizer City Council adopted a Resolution in May 2001 initiating the review and amendments to the Chemawa Activity Center Plan. Property owners at the May 2001 public hearing on the Resolution testified in support of amending the Chemawa Activity Center Plan to change the existing zoning to support demonstrated market demand for industrial and commercial uses.

4. GOALS AND POLICIES: ECONOMIC, COMMERCIAL AND INDUSTRIAL DEVELOPMENT (pp. 37-40)

a. General Goals

1. *Broaden, improve and diversify the Keizer economy while maintaining or enhancing its environment.*
2. *Supply an adequate amount of land to accommodate new and existing businesses.*
3. *Reserve enough remaining large parcels for special developments requiring large lots.*
4. *Ensure compatibility between commercial and industrial lands and lands adjacent to them.*
5. *Provide for limited mixing of office, commercial, and industrial land uses when such mixing does not reduce the suitability of the site for the primary land use designated in the plan.*
6. *Provide the necessary public facilities and services to allow economic development.*
7. *Encourage public and private efforts to increase economic development in Keizer. To the extent possible, such development should use local capital, labor, and management.*
8. *Reduce unemployment, in the resident labor force.*
9. *Improve the level, stability and distribution of per capita (income) for residents.*

FINDINGS: The proposed land use designation and Development Code amendments will support the projected need for commercial and industrial land within Keizer by utilizing land, which is currently identified for a mix of commercial, industrial, and residential uses. Much of the area consists of small parcels, but the master plan requirement in the Development Code will promote consolidation of properties and/or the unified development of them. As noted elsewhere in this document, the plan for this area continues to be based upon compatibility between land uses, provision of public facilities to support development, and providing economic development and employment opportunities for city residents and businesses.

The Hobson Ferrarini analysis indicates that the average annual income resulting from the type of commercial development contemplated will result in average annual incomes that may be less

than industrial employment. However, because the range of commercial and industrial wages vary widely by business, there is a significant overlap between commercial and industrial incomes as noted by Hobson Ferrarini (Exhibit A-16).

c. Commercial and Industrial Developments

- 1. Provide for commercial and industrial developments.***
 - (a) Undeveloped land zoned for light industrial and commercial uses, consistent with forecasts of the likely future demand for such land.***
 - (b) Sufficient land adjacent to existing industrial and commercial facilities where future expansion is anticipated.***
 - (c) Convenient access to arterial or collector streets for traffic generated by industrial and commercial uses.***

FINDINGS: See Response to Policy 4. **GOALS AND POLICIES:** ECONOMIC, COMMERCIAL AND INDUSTRIAL DEVELOPMENT above.

- 2. Require from commercial and industrial developments:***
 - (a) Outdoor storage facilities to be screened from view of the public road and from adjacent residential uses.***
 - (b) Adequate landscaping and appropriate setback from adjacent residential uses.***
 - (c) Exterior lighting to be designed to provide illumination to the site and not cause glare into the public right-of-way and adjacent properties.***
 - (d) Roof equipment to be screened from view of nearby residential uses.***
 - (e) Adequate disposal of any hazardous wastes generated (as defined by ORS 459. 410).***
 - (f) Large expanses of blank walls in residential areas to be avoided.***
 - (g) Compliance with DEQ noise and other environmental quality standards.***

FINDINGS: These policies are related to development applications. Future development within the Keizer Station Plan area will address and demonstrate compliance with these policies. These policies are implement through the Activity Center Overlay district.

3. *Encourage for commercial and industrial developments:*

- (a) Innovative designs for public spaces such as open plazas, pedestrian malls, and tot lots by making sure zoning regulations are flexible.*
- (b) The expansion of existing and the location of new light manufacturing activities, especially those which generate little pollution.*
- (c) Industrial park development for appropriate business activities. Examples of activities are warehousing and distribution, and research and development.*

FINDINGS: The Keizer Station Plan provides for industrial park development through the Industrial Business Park (IBP) plan designation. While no specific uses are proposed at this time, the examples of potential uses identified in this policy would be permitted to occur within the Keizer Station Plan area.

4. *Discourage in(compatible) commercial and industrial developments:*

- (a) Major customer traffic from outside the immediate neighborhoods from filtering through nearby residential streets.*
- (b) Other land uses in districts that have been designated for industrial use, except when it can be demonstrated such uses will have minimal negative impacts on industrial uses now and in the future.*
- (c) Placement of loud or obnoxious equipment adjacent to residential streets or areas.*
- (d) Deliveries or loud outside activities adjacent to residential streets or areas.*

FINDINGS: These policies will primarily be addressed through design treatments and through the master planning process. In addition, the uses permitted in the EG and IBP zones were carefully scrutinized to eliminate those uses with the highest potential for causing compatibility issues with other land uses in the vicinity.

5. *Permit in commercial and industrial developments:*

- (a) *Commercial offices to be mixed with compatible residential or commercial retail uses in the same structure.*
- (b) *Transit services and shelters to be provided in lieu of some off-street parking.*

FINDINGS: Opportunities for both mixed use development and transit service will be considered during the master planning process.

6. *Maintain a supply of industrial and commercial land with necessary public services, adequate size and suitable location.*

FINDINGS: See Response to Policy B. URBAN GROWTH AND GROWTH MANAGEMENT above.

7. *Recognize the vital role of neighborhood commercial facilities in providing services and goods to a particular neighborhood.*

FINDINGS: The proposed designations will provide needed commercial land that will offer residents of Keizer opportunities for jobs and shopping within the city, rather than requiring residents to leave the city for these purposes. This will have the affect of reducing the need for travel to other parts of the region for commercial opportunities. The Keizer Station Plan is

located near the Gubser Neighborhood and is accessible to other Keizer neighborhoods via Lockhaven Drive.

9. *Concentrate major commercial and industrial development along major arterials. Allow neighborhood shopping and convenience stores in residential areas, providing such developments meet compatibility standards described in the implementing ordinances. Such standards shall be clear and objective and not have either the intent or the result of precluding all such development.*

FINDING: The Keizer Station Plan is located adjacent to a major arterial (Lockhaven Drive).

10. *Designate on a plan diagram commercial and industrial land sufficient to meet projected needs through 2005.*

FINDINGS: See Response to Policy 4. **GOALS AND POLICIES: ECONOMIC, COMMERCIAL AND INDUSTRIAL DEVELOPMENT** above.

d. Area-Specific Policies

2. *Encourage industrial and commercial development on vacant and largely vacant parcels near the Chemawa Interchange.*

FINDINGS: The Keizer Station Plan encourages both industrial and commercial development to occur on the largely vacant parcels near the Chemawa Interchange through the proposed plan designations. The proposed zoning pattern is supported by the Hobson Ferrarini materials in Exhibit A-109, and it will be in compliance with the City's commercial and industrial land inventory. While this policy does not specify how much of each type of use is desirable, the City Council decision, shown in Exhibit A-111, includes a proposed zoning that requires a mixture of commercial and industrial lands in two ways. First, the EG Zone requires that a 25% minimum of the total acreage be developed with industrial uses. Second, overall commercial floor area limitations are

placed on Areas A, B, C, and D totaling a maximum of 975,000 square feet will apply. These methods, along with the specific uses allowed in each zone within the KSP, are consistent with current Comprehensive Plan goals and policies.

D. PLAN DIAGRAM AND SPECIAL LAND USE POLICIES (pp. 42-47)

2. GOALS AND POLICIES

a. General Goals

- 1. Provide appropriately designated vacant buildable land in adequate quantities to meet the forecast needs of Keizer to 2005.***
- 2. Provide a development pattern which:***
 - (a) Encourages stabilization of existing neighborhoods.***
 - (b) Encourages affordable housing.***
 - (c) Creates a new town center for Keizer.***
 - (d) Creates new employment opportunities in Keizer.***

FINDINGS: Neighborhood stabilization will primarily be accomplished by completing Dennis Ray Way with a cul-de-sac and several new single family residential lots. This will complete this small neighborhood and create improved opportunities for successful coexistence with the proposed commercial development to the south and east.

Because the amendments do affect affordable housing because 1) they not involve any “pure” residential zones, 2) the Dennis Ray Way modification only involves 3-6 single family units, and 3) the MU Zone in Area C will now have a maximum commercial floor area limitation to ensure some residential development.

The Keizer Station Plan will create new employment opportunities for residents in the city of Keizer and establish an activity center in the location that the Comprehensive Plan envisions as the location of future employment and commercial activity.

d. *Commercial*

2. *Provide for an employment area service center:*

- (a) *Allowed uses are retail, service and office uses related to nearby industrial districts, and area commercial uses serving the traveling public such as restaurants, hotels, conference centers and shopping facilities.*
- (b) *An employment area service center should:*
 - (1) *Be from 20 to 50 acres in size.*
 - (2) *Have direct access from I-5 and an arterial street.*
 - (3) *Provide facilities and services to adjacent industrial areas and to the traveling public.*
 - (4) *Not encourage traffic through residential neighborhoods. a unified district with coordinated circulation, parking and landscaping, not a collection of small unrelated commercial developments.*
- (c) *An employment area service center will be located near the Chemawa Interchange in the Chemawa Activity Center.*

FINDINGS: The Keizer Station Plan provides the opportunity to establish an employment area service center within the activity center's boundary. As this policy notes, an employment area service center is envisioned to be a part of the overall development approach within the Chemawa Activity Center. The plan envisions the mix of uses that are identified in this policy and contains design guidelines to provide for a unified development approach in the activity center. The specific location of the employment area service center is not known at this time, but the mix of uses that are considered to be a part of such a center are allowed within the proposed zoning and the area of the Keizer Station Plan is sufficient to allow a 20 – 50 acre employment area service center within its boundary.

This "employment center" is intended to have a significant industrial component, through the use of code provisions notes above. The City Council decision (Exhibit A-111) includes a proposed

zoning that requires a mixture of commercial and industrial lands in a method that is consistent with current Comprehensive Plan goals and policies. The recommended outcome of the Interstate 5/Chemawa Road Urban Interchange Transportation and Land Use Study (Exhibit P) also recommends the same ratio of industrial and commercial development as proposed in the City Council decision.

e. Industrial

- 1. Provide for industrial development located with good access to the interstate freeway system, arterial streets, and rail facilities.***
- 2. Locate industrial districts in the northeast sector of Keizer.***
- 3. Ensure that industrial development adjacent to existing or planned residential areas will not cause adverse effects:***
 - (a) The specific proposed use will be compatible with adjacent uses.***
 - (b) The design of the facility and its site will not place visual or physical burdens on the surrounding areas.***
 - (c) The operational characteristics of the facility will be compatible with surrounding uses and include consideration of: 1) hours of operation, 2) delivery and shipping characteristics, 3) noise, 4) lighting, and 5) other use characteristics.***
- 4. In general industrial areas, allow uses involved in the secondary processing of materials into components, the assembly of components into finished products, transportation, communication and utilities, wholesaling and warehousing.***
- 5. In campus light industrial areas, allow uses involved in the secondary processing of materials into components, the assembly of components into finished products, research and development activities, and supporting office-based commercial development when planned to compliment the primary intent of the campus light industrial district.***

FINDINGS: The Keizer Station Plan includes General Industrial, Industrial Business Park, and the new Employment General plan designations, which all allow industrial uses. The primary industrial locations in Areas A and D will have good access to the transportation system because the property has north/south access to I-5 as well as access to the City of Salem via the Salem-Keizer Parkway. The plan and code include design guidelines aimed at minimizing potential impact of future industrial development within the plan area. Specific industrial uses are not proposed at this time. During the required master planning process, future industrial development will be designed with adjacent properties in mind to will address any potential impacts through the design review process.

Policies 1 and 2 above describe the subject site for industrial development. As indicated above, specific acreages were not assigned. As noted above, the City Council decision includes requirements to ensure the presence of industrial activities as part of the land use mix in the KSP area.

h. Activity Centers (pp. 49-51)

1. Designate Activity Center overlay districts for:

- (a) McNary Activity Center***
- (b) Chemawa Activity Center***

The purpose of the activity center overlay is to encourage a mix of intensive land uses emphasizing transit and pedestrian activity, and to allow flexibility of development regulations.

- 2. Require that a design plan for each activity center is prepared and approved before specific development applications in the particular activity centers are approved. The lands use designations shown on Figure 2 (p. 46 of the plan), and on the zoning map before a design plan is adopted, are generalized and will be refined during the development of design plans. Transfer of development rights within activity centers are allowed, and encourage the use of planned developments. Activity center plans will be prepared for entire activities centers,***

not individual parcels or for individual projects, however developers shall be required to submit master plans for individual parcels or projects.

3. *Assume a leadership role in preparing activity center design plans. The planning process should involve property owners, interested developers, residents, and other affected jurisdictions. Once an activity center design plan is prepared, adopt it as a part of the Comprehensive Plan.*
4. *Require that activity center design plans include a minimum:*
 - (a) *The activity center design plan shall provide for a coordinated approach to area planning and development and shall provide policies and other standards for development within the activity center.*
 - (b) *The activity center design plan shall show the general proportion of land uses, location of major public facilities, location of parks, open space, public lands and other public uses. It is anticipated that the land use designations and zoning shown in the Comprehensive Plan and on the Zoning Map will be used as a general guide only, and the activity center design plan may change such land use designations. However, the exact location of the uses need not be shown in the activity center design plan.*
5. *The following provisions apply in development of the activity center design plan.*
 - (a) *For purposes of calculating overall density, the mix of land use designations shown in the Comprehensive Plan shall not be varied by more than 20%.*
 - (b) *Transfer of development rights within the Activity Center is permitted when the property with reduced development rights is donated to the City, or permanently dedicated for public open space.*
 - (c) *When transfer of development rights is used, the receiving areas shall be designated with zoning classifications consistent with the density and use of development proposed. Standards and other requirements of these zones shall be met.*

- (d) *The use of Planned Developments for residential areas in Activity Centers is encouraged.*
- 6. *The activity center design plan may require the provisions of, or participation in, the development of public facility improvements to implement the activity center design plan. Such improvements may include, but are not limited to, the following:*
 - (a) *Road dedications and improvements;*
 - (b) *Signalization;*
 - (c) *Sidewalks and bikeways;*
 - (d) *Crosswalks and/or overpasses;*
 - (e) *Storm drainage facilities;*
 - (f) *Sewer and water service lines and improvements;*
 - (g) *Underground utilities;*
 - (h) *Street lights;*
 - (i) *Transit stops and bus shelters;*
 - (j) *Transit information displays;*
 - (k) *Park and Ride facilities;*
 - (l) *Public restrooms;*
 - (m) *Street tree and median landscaping and development; and*
 - (n) *Open space, pedestrian plazas.*
- 8. *Establish the following objectives for the Chemawa Activity Center:*
 - (a) *The primary uses are regional service center, light industry, hotel/motel and supporting facilities, convention facilities, and retail shopping facilities.*
 - (b) *Improve access to the district and Lockhaven Drive. Coordinate transportation improvements with the industrial district to the north.*

FINDINGS: The Keizer Station Plan is intended to replace in full the previously adopted Chemawa Activity Center Plan. The Keizer Station Plan has been designed to

encourage a mix of intensive land uses that can support transit and pedestrian activity as development occurs. The plan includes design guidelines to allow flexibility during development, but at the same time requiring higher standards for new development that will promote the establishment of a dynamic activity center. The land use pattern in the Keizer Station Plan is intended to allow a wide range of uses, similar to those uses identified in this policy.

The Keizer Station Plan includes implementation policies and standards designed to require a unified approach to development within the activity center boundary. The implementation policies require that, prior to development within Areas A, B, C, and D of the Keizer Station Plan, a master plan for the specific subarea be prepared. The master plan will indicate how future development within a subarea will occur, how overall vehicular, pedestrian and bicycle circulation will be designed, and how public facilities will be coordinated and provided to the area.

E. PUBLIC FACILITIES TO SUPPORT DEVELOPMENT (pp. 53-54)

2. GOALS AND POLICIES: GENERAL

a. General Goals

- 1. Plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.***
- 2. Provide and encourage a safe, convenient and economic transportation system.***

FINDINGS: W&H Pacific has evaluated the proposed zoning recommended in the Keizer Station Plan from the perspective of providing public facilities (sanitary sewer, storm sewer, and domestic water). This analysis demonstrates that public facilities are either in place or can be provided to support the proposed levels of development in the Keizer Station Plan. (Exhibit A, Chapter V).

To support Goal a.2. above, the Keizer Transportation System Plan (KTSP) was developed and adopted to more clearly articulate the City's overall strategy for meeting its transportation needs.

The City Council decision is consistent with the KTSP because the planned street designations are to remain the same, and the traffic impact of the KSP has been demonstrated to be slightly less than what is possible under the current CACP. Kittelson & Associates has evaluated the proposed zoning recommended in the original Keizer Station Plan proposal and the staff recommended alternative from the perspective of providing transportation facilities and the potential impact on the transportation system. Although the City Council decision differs in some ways from the staff recommended alternative, the fundamental land use mix continues to be very similar. The Kittelson analysis, therefore, continues to be valid for the City Council decision. This analysis demonstrates that traffic generation will be comparable or less than traffic generation based on existing zoning patterns. Transportation facilities are either in place or can be provided to support the proposed levels of development in the Keizer Station Plan. (Exhibit A-15). ODOT concurs with the analysis (Exhibit A-74).

b. General Policies

- 1. Reduce generally the amount of public subsidy for public utilities, services and facilities in new development.**
- 3. Require that long-term planning for major public facilities based on logical, functional boundaries. These boundaries may be outside the urban growth boundary, but such lands will not be needed for development until after 2005.**
- 4. Encourage development in areas already served by major public facilities before extending services to unserved areas.**
- 7. Establish as a medium priority the extension of public facilities to the Chemawa Activity Center.**
- 9. Ensure that sewer and water services are provided at an urban level of service comparable to similar services provided throughout the Salem/Keizer urban area.**
- 10. Continue to cooperate and participate with other jurisdictions in the region for the provision of regional services such as sewage treatment, solid waste disposal, public transportation, and other services of regional concern.**

11. *Ensure that public facility and service planning and implementation are consistent with the Urban Growth and Growth Management policies of this Plan.*

FINDINGS: Prior to development of within the activity center, public services will be provided to the site. As the Public Facilities assessment prepared by W&H Pacific for the Keizer Station Plan indicates, public services are available to the property and can be extended through the development process. W&H Pacific has evaluated the proposed zoning recommended in the Keizer Station Plan from the perspective of providing public facilities (sanitary sewer, storm sewer, and domestic water). This analysis demonstrates that public facilities are either in place or can be provided to support the proposed levels of development in the Keizer Station Plan. (Exhibit A, Chapter V).

Coordination with other service provider and participation will occur throughout the master planning/implementation process.

4. GOALS AND POLICIES: TRANSPORTATION (PP. 55-59)

a. General Goals

1. *Adopt the goals and objectives of the Salem Area Transportation Plan as the goal statements for the City of Keizer. The goals are:*
 - (a) *Implement the type and level of transportation services to different parts of the urban area that are most compatible with desired development pattern and achieve the orderly implementation of the Comprehensive Plan.*
 - (b) *Provide for the safe and efficient movement of people and goods throughout the metropolitan area.*
 - (c) *Develop a transportation system that avoids or reduces an undesirable reliance upon any one form of transportation.*
 - (d) *Minimize the undesirable environmental, social, aesthetic and economic impacts produced by transportation facilities.*

FINDINGS: As demonstrated in the Kittelson & Associates Transportation Analysis (Exhibit A-15) the Keizer Station Plan will generate fewer net new trips than is currently allowed under the existing zoning pattern and assumed in the city's Transportation System Plan. The findings that address this portion of the Comprehensive plan are found under the discussion of Goal 12 Transportation.

c. Roadways

- 1. Adopt as the Keizer functional highway classifications, and recommend these modifications to the SATS Functional Classification roadway network:**
 - (b) Radiant Drive up-grade from collector to minor arterial.**
 - (e) North River Road/Radiant a new collector.**
- 4. Ensure that Lockhaven Drive from North River Road to the Chemawa Interchange is carefully studied to determine the need for future widening, noise buffering, and for pedestrian crossing and safety improvements near the Whiteaker Middle School. Require that existing and planned residential areas be protected from excessive noise levels resulting from an increase in traffic.**
- 6. If the City voluntarily undertakes a street improvement project, which will increase traffic noise levels, it is the policy of the City of Keizer to protect existing residential uses from traffic noise levels that exceed those noise levels which are typical of residential areas. Traffic noise levels below Leq67dBA are considered typical in an urban area and no mitigation of them shall be required.**

FINDINGS: The Keizer Station Plan will not change the functional classifications of the roadways serving the area. Future site development activities will analyze Lockhaven Drive to determine the need for future widening, noise buffering, and pedestrian safety improvements.

d. Transit

2. Continue to work closely with the Salem Area Transit Districts:

- (c) Increase transit service to the Chemawa Center.**
- (d) Ensure that major new developments provide transit facilities, and are designed in such a way to make transit service efficient and convenient.**

FINDINGS: The Keizer Station Plan will support transit opportunities through the master planning and development review procedures. Future development will be coordinated with the Salem Area Transit District to promote transit accessibility to the site, including techniques suggested by the agency (Exhibit A-79). The Keizer Station Plan includes the potential for a Commuter Rail Station and provides implementation steps should Commuter Rail be extended to Keizer.

6. GOALS AND POLICIES: SANITARY SEWER, WATER AND DRAINAGE (p. 61)

a. General Goals

- 1. Provide and maintain public utilities, services, and facilities in an orderly and efficient manner.**
- 2. Support public facility extensions when new development provides its own financing. The cost of new growth should, to the extent possible, be borne by the new growth itself.**

FINDINGS: W&H Pacific has evaluated the proposed zoning recommended in the Keizer Station Plan from the perspective of providing public facilities (sanitary sewer, storm sewer, and domestic water). This analysis demonstrates that public facilities are either in place or can be provided to support the proposed levels of development in the Keizer Station Plan. (Exhibit A, Chapter V). The Keizer Department of Public Works responded to the proposed Keizer Station Plan in two memoranda dated November 26, 2001 (Exhibit C) and July 31, 2002 (Exhibit A-108) indicating that adequate facilities and services are available or can be provided to serve the area.

8. GOALS AND POLICIES: PARKS AND RECREATION (p. 63)

a. General Goal

- 1. Provide for the recreation needs of the City of Keizer through the acquisition and development of adequate parks and recreation facilities, and through requiring park dedication as part of the development process.**

FINDINGS: The Keizer Station Plan includes the Entertainment and Sports Center subarea. The existing Keizer Baseball Stadium is included in this subarea. New sports and entertainment facilities (such as an aquatic center) are envisioned to occur within this subarea. These uses would be intended to compliment the activities occurring at the Keizer Stadium.

F. PLAN ADMINISTRATION (pp. 65-66)

2. GOALS AND POLICIES: CITIZEN INVOLVEMENT

a. General Goals

- 1. Provide for widespread citizen involvement.**
- 2. Assure effective two-way communication with citizens.**
- 3. Provide the opportunity for citizens to be involved in all phases of the planning process.**
- 4. Assure that technical information is available in an understandable form.**

FINDINGS: Meetings have been held with affected neighborhood associations regarding the recommendations in the Keizer Station Plan. The Keizer Station Plan will be considered by the Planning Commission and City Council and will require property owner notification.

4. GOALS AND POLICIES: COORDINATION (p. 66)

a. General Goal

- 1. Participate with other jurisdictions in the region to ensure appropriate land use and related issues are coordinated.**

b. General Policies

2. *Encourage and assist Mid-Willamette Council of Governments in identifying regional needs and priorities and implementing functional plans.*

FINDINGS: Coordination with state, regional and local agencies has occurred during the preparation of the Keizer Station Plan. In 1995, the City of Keizer and the City of Salem jointly received an ODOT/DLCD Transportation and Growth Management Program grant to conduct a land use and transportation study for the Interstate 5/Chemawa Road interchange. More recently this year, the City of Keizer worked with the State of Oregon Community Solutions Team – Governor’s Task Force in an effort to coordinate with state agencies. The City of Keizer has worked with the Mid-Willamette for the transportation modeling for this project. The voluntarily agreed to follow the SKAPAC process even though the question at hand is not a regional issue as defined by SKAPAC and the Keizer Comprehensive Plan.

6. GOALS AND POLICIES: PLAN REVISIONS AND IMPLEMENTATION (pp. 67-68)

a. General Goals and Policies

1. *Assure that policies in this plan are implemented.*
2. *Establish plan review and revision procedures which include provisions for participation by citizens and affected governments.*
3. *Assure an adequate factual base for decisions and actions.*
5. *Assure that the comprehensive plan is regularly reviewed, revised and amended.*
6. *Evaluate proposed comprehensive plan amendments according to the following criteria:*
 - (a) *Compliance with the statewide land use goals and related administrative rules is demonstrated.*
 - (b) *Conformance with the Comprehensive Plan goals, policies and intent is demonstrated.*
 - (c) *Public need is best satisfied by this particular change.*
 - (d) *The change will not adversely affect the health, safety and welfare of the community.*

- (e) *Adequate public facilities, services and transportation networks are in place, or are planned to be provided concurrently with the development of property.*

FINDINGS: Compliance with statewide land use goals and the Comprehensive Plan criteria are addressed above.

- 7. *Implement this plan through appropriate ordinance and action.*
 - (a) *Adopt new ordinances to carry out the policies of this plan.*
 - (b) *Apply zoning in a timely manner which is consistent with this plan.*
 - (c) *Require all zoning and subdivision ordinance to be consistent with the intent and to be based on this comprehensive plan.*
 - (d) *Require all actions of the City on conditional uses, variances, zone changes and all other planning actions to be consistent with the intent of this plan.*

FINDINGS: Compliance with the zone change criteria is addressed above.

RPS DEVELOPMENT COMPANY, INC.

- Retail Property Solutions

EXHIBIT "A-112"

October 7, 2002

City Council, City of Keizer
City Hall
930 Chemawa Road, NE
Keizer, Oregon 97307

RE: Keizer Station Plan, Keizer, Oregon

Dear Madam Mayor and Council Members:

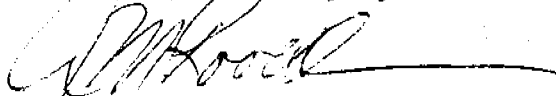
On behalf of Northwest National, LLC, the undersigned hereby submits for the Council's review, in connection with its deliberations on the final documentation relating to the Keizer Station Plan, the following:

1. Attachment A (modified in green to show recommended changes)
2. Attachment C (modified in green to show recommended changes)
3. Attachment D (modified in green to show recommended changes)
4. Earlier version of Village Center Site Plan
5. Current Draft of Village master Site Plan (marked in yellow to show pedestrian circulation as provided in subsection 3.113.04.C, Review Criteria [Attachment C, proposed language]).

Item 4 demonstrates the kind of building layout along Radiant Drive that the staff recommended provisions would mandate. Item 5 shows how the recommended modifications will allow a more integrated plan where separate elements of the project will have their own identity and sense of "place" while still meeting the pedestrian friendly intent of the design criteria. The major retailers will condition their participation on taking the latter approach to layout and design.

Please be assured that, in recommending these changes, Northwest National LLC fully intends to meet the spirit of the various design requirements. Except for a few technical corrections, we are recommending only substantive changes which we know are necessary to allow us the flexibility to produce a quality project which will succeed in attracting the finest retailers to a successful operating environment.

Sincerely,
RPS Development Company, Inc.



Alan M. Roodhouse
President

2653 High Heaven Road
McMinnville, OR 97128

Office Phone:
Fax :

503.435.4907
503.435.4909

2.119 GENERAL EMPLOYMENT (EG)

2.119.01 Purpose

The General Employment (EG) zone is located in an area of the City reserved for a mix of commercial and industrial development. The zone promotes a mix of allowed uses, the allowed intensity of development, and the development standards. The zone allows a wide range of employment opportunities. The regulations promote areas, which consist of uses and developments, which will support the economic viability of the specific zoning district and of the City. The regulations protect the health, safety and welfare of the public, address area character, and address environmental concerns. The intent is to promote viable and attractive industrial/commercial areas. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. The General Employment zone is suitable for the Special Planning District (SPD) Plan designation.

2.119.02 Other Zoning Regulations

The regulations in this section state the allowed uses and development standards for the EG zone. Specific uses or development types may be subject to other applicable regulations in this Ordinance.

2.119.03 Commercial and Industrial Use Limitations

The EG zone is designed to promote a mixed development pattern with industrial and commercial uses to serve as an employment center within the City. This area is a subset of Area A of the Special Planning District (SPD) Comprehensive Plan designation. The EG zone is specifically designed for the property identified as Area A – Village Center in the Keizer Station Plan, physically bound by Tepper Lane to the north, Interstate 5 to the east, Burlington railroad tracks to the west, and Chemawa Road to the south. Uses in the gross acreage described shall be developed as a maximum seventy-five percent (75%) commercial and a minimum twenty-five percent (25%) industrial park. Uses shall be established in conformance with this Section and all other applicable regulations within the Keizer Development Code.

A limitation to the total floor area, as defined in the Keizer Development Code, for retail uses is required within the Keizer Station Plan. Each sub-area is limited with a specific amount of floor area for retail uses. The EG zone is located within Area A – Village Center of the Keizer Station Plan. The following limitation on total floor area for retail uses within the EG zone is 800,000 square feet for uses identified in Sections 2.119.04 (H), (K), and 2.119.06 (I).

2.119.04 Permitted Industrial Park Uses

Industrial Development. The following uses, when developed under the applicable development standards in the Zoning Ordinance, are permitted in the EG zone on a minimum 25% gross acreage of the Village Center:

A. Manufacturing;

1. ~~Grain mill products. (204)~~
2. Bakery products. (205)

ATTACHMENT A

3. **Beverages.** (208)
4. **Miscellaneous food preparations and kindred products.** (209)
5. **The manufacture of meat products (201) but excluding both meat packing plant (2011) and any on site abattoirs and slaughtering, rendering of fats, processing of hides and maintenance of live animals or fowl. (Poultry slaughtering and processing (2015))**
6. **Textile mill products.** (22)
7. **Apparel and other finished products made from fabrics and similar products.** (23)
8. **Wood kitchen cabinets.** (2434)
9. **Nailed and lock corner wood boxes and shooK.** (2441)
10. **Wood products, not elsewhere classified.** (2499)
11. **Furniture and fixtures.** (25)
12. **Paperboard containers and boxes.** (265)
13. **Printing, publishing, and allied industries.** (27)
14. **Drugs (283), BUT EXCLUDING biological products, except diagnostic substances (2836)**
15. ~~Soaps, detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations. (284)~~
16. ~~Miscellaneous plastic products. (308)~~
17. **Leather and leather products (31) BUT EXCLUDING leather tanning and finishing. (311)**
18. **Glass products, made of purchased glass.** (323)
19. **Pottery and related products.** (326)
20. **Metal cans and shipping containers.** (341)
21. **Cutlery, hand tools, and general hardware.** (342)
22. **Heating equipment, except electric and warm air, and plumbing fixtures.** (343)
23. **Fabricated structural metal products.** (344)
24. **Screw machine products, and bolts, nuts, screws, rivets, and washers.** (345)
25. **Metal forgings and stampings.** (346)
26. **Metalworking machinery and equipment.** (354)

ATTACHMENT A

27. Special industry machinery, except metalworking machinery. (355)
 28. Pumps and pumping equipment. (3561)
 29. Office, computing, and accounting machines. (Computer and Office Equipment (357); Calculating and Accounting Machines, Except Electronic Computers (3578); Office Machines, Not Elsewhere Classified (3579))
 30. Electrical and electronic machinery, equipment, and supplies. (Electronic and other electrical equipment and components, except computer equipment (36))
 31. Transportation Equipment. (37)
 32. Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks. (38)
 33. Miscellaneous manufacturing industries. (39)
- B. Transportation, communications, electric, gas, and sanitary services;**
1. ~~Motor freight transportation and warehousing.~~ (42)
 21. Communication. (48)
 32. Public Utility Structures and Buildings. (Electric, Gas, and Sanitary Services (49))
- C. Wholesale trade-nondurable goods (51) BUT EXCLUDING poultry and poultry products (5144), livestock (5154), farm-product raw materials, not elsewhere classified (5159), chemicals and allied products (516), tobacco and tobacco products (5194), and nondurable goods, not elsewhere classified. (5199)**
- D. Wholesale trade-durable goods (50) BUT EXCLUDING automobiles and other motor vehicles (5012), lumber and other construction materials (503), coal and other minerals and ores (5052), construction and mining machinery and equipment (5082) and scrap and waste materials. (5093)**
- E. The uses listed in above A through D, excluding B(2) shall:**
1. Be within an enclosed building; and
 2. Permit retail sales of products manufactured on the site.
- F. Services**
1. Computer and data processing services. (737)
 2. Research and development laboratories.

ATTACHMENT A

3. Management, consulting, and public relations services. (Management and Public Relations Services (874)
4. Noncommercial educational, scientific, and research organizations.

G. Office Uses:

1. Any use allowed in Section 2.108, Commercial Office excluding those residential uses listed in Section 2.108.02A, B, C, PP, and RR and parking lots U.
2. Finance, Insurance, and Real Estate:
 - a) Commercial and Stock Savings Banks. (602)
 - b) Mutual Savings Bank.
 - c) Savings and Loan Associations. (603)
 - d) Personal Credit Institutions. (614)
3. Public Administration: (CC 09-03-02)
 - a) Fire Protection. (9224) (CC 09-03-02)
 - b) Medical Centers. (CC 09-03-02)

H. Retail trade:

1. Eating and drinking places.

I. Services:

1. Hotels, motels, and tourist courts.
2. Child daycare services.
3. Membership sports and recreation clubs.
4. Amusement and recreation (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996).
5. Public and private sports facilities including but not limited to stadiums, arenas, ice rinks, parks, and aquatic facilities.
6. Miscellaneous services.

J. Transit stop shelters.

K. Flexible Space Uses

ATTACHMENT A

1. The following uses, when restricted, developed, and conducted as required in subsection 2 below, are permitted as industrial business park uses within the EG zone:

- a. Food Stores (54). (5/98)
- b. Apparel and Accessory Stores (56). (5/98)
- c. Furniture, Home Furnishings and Equipment Stores (57). (5/98)
- d. Miscellaneous Retail; BUT EXCLUDING used merchandise stores (59). (5/98)
- e. Business Services. (5/98)
- f. Miscellaneous Repair Services. (5/98)

2. In the Keizer Station where Flexible Space uses are to be developed as industrial business park uses within the EG zone, the following development limits apply:

- a. No single building shall be more than 25,000 square feet in area, with no more than 10,000 square feet to be utilized for any individual use listed in subsection (a)(i)-(iv)(K)(1)(a) - (d). (5/98)
- b. [subsection deleted: "IBP district" is defined as contiguous, IBP-zoned property including any internal public streets. (5/98)]
- c. The area developed in all flexible space uses shall in the aggregate not exceed 30 percent of the gross area of the IBP district acreage identified for IBP uses within the EG zone. (5/98)
- d. Any outdoor storage area shall:
 - i. Be no more than 3,000 square feet per building and shall not be aggregated with the storage of another building;
 - ii. Be enclosed with a sight-obscuring fence or wall;
 - iii. Have at least one side conterminous with the building that it serves;
 - iv. Have no opening within fifty feet and visible from any property boundary; and
 - v. Meet the other applicable requirements of this ordinance.
- e. Loading doors shall have no opening within seventy five feet and visible from any street or property boundary.
- f. Buildings fronting a street and within fifty feet of an abutting property shall have glass frontage not less than thirty-five percent of the area of the street front wall.
- g. All buildings shall be capable of development as flexible industrial space.

Deleted: The aggregate floor area for uses devoted to food stores (54), apparel and accessory stores (56), furniture, home furnishings, and equipment stores (57), and miscellaneous retail (59) shall not exceed two percent of the total land area in the IBP district acreage identified for IBP uses within the EG zone. The acreage identified for IBP uses within the EG zone is defined as parcel or area of land used for IBP use land development including building site, parking, landscaping, drainage facilities and any other development on site to support the use on site.

2.119.05 Special Permitted Industrial Park Uses

ATTACHMENT A

~~A. The following uses, when developed under the applicable development standards, are permitted in the EG zone with the ability to occupy up to a maximum of 10% of the area identified for industrial use within the EG zone: (CC 09-03-02)~~

~~1. Public administration; (CC 09-03-02)~~

~~a. Fire protection. (9224) (CC 09-03-02)~~

~~b. Medical Centers. (CC 09-03-02)~~

~~2. Office Uses:~~

~~a. Any use allowed in Section 2.108, Commercial Office excluding those residential uses listed in Section 2.108.02A, B, C, PP, and RR and parking lots U.~~

~~b. Finance, Insurance, and Real Estate:~~

~~1) Commercial and Stock Savings Banks. (602)~~

~~2) Mutual Savings Bank.~~

~~3) Savings and Loan Associations. (603)~~

~~4) Personal Credit Institutions. (614)~~

~~A. Accessory structures and uses prescribed in Section 2.203.~~

2.119.06 Permitted Commercial Uses

Commercial Development. The following uses, when developed under the applicable development standards in the Zoning Ordinance, are permitted in the EG zone on a maximum 75% gross acreage of the Village Center:

- A. One or more buildings with one or more dwelling units or guest rooms, and/or, one or more other uses allowed in this section on a lot.
- B. Residential homes and facilities.
- C. Child day care service, including family day care provider. (8351)
- D. Public parks, playgrounds, community clubs including swimming, tennis and similar recreational facilities, and other public and semi-public uses.
- E. Landscape counseling and planning (0781).
- F. Offices for any use listed in SIC Division C - Construction.
- G. Commercial printing (275).
- H. Transportation, Communication and Utilities.

ATTACHMENT A

- 1. Public utility structures and buildings.**
- 2. Post office (43).**
- 3. Travel agency (4722).**
- 4. Communications (48).**
- I. Retail Trade.**
 - 1. Building materials, hardware, retail nurseries, and garden supply (52), BUT EXCLUDING mobile home dealers (527).**
 - 2. General merchandise stores (53).**
 - 3. Food stores (54).**
 - 4. Apparel and accessory stores (56).**
 - 5. Home furniture, furnishings, and equipment stores (57).**
 - 6. Eating and drinking places (58).**
 - 7. Miscellaneous retail (59), BUT EXCLUDING fuel and ice dealers (598).**
 - 8. Electrical and lighting shops and office machines and equipment stores.**
- J. Business, Professional and Social Services.**
 - 1. Finance, insurance and real estate (60, 61, 62, 63, 64, 65, 67).**
 - 2. Hotels, motels and tourist courts (701).**
 - 3. Organization hotels and lodging houses on membership basis (704).**
 - 4. Personal services (72) BUT EXCLUDING industrial laundries (7218).**
 - 5. Business services (73) BUT EXCLUDING disinfecting and exterminating services (7342).**
 - 6. Parking lots in accordance with Section 2.303.04 of this Ordinance. (7521)**
 - 7. Miscellaneous repair services (76).**
 - 8. Motion pictures (78), BUT EXCLUDING drive-ins (7838).**
 - 9. Amusement and recreation (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996).**
 - 10. Health services (80), BUT EXCLUDING hospitals (806).**

ATTACHMENT A

11. Legal services (81).
 12. Elementary and secondary schools (8211).
 13. Correspondence schools and vocational schools (824).
 14. Schools and educational services not elsewhere classified (829).
 15. Social services (83).
 16. Museums, art galleries, botanical and zoological gardens (84).
 17. Membership organizations (86).
 18. Miscellaneous services (89).
- K. Public Administration (91 - 97).

2.119.07 Special Permitted Commercial Uses

The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the EG zone:

~~A. Any commercial use, as identified in Sections 2.119.06 I. and 2.119.07 C(4) below, structures that exceed 60,000 square feet in floor area in accordance with Section 2.119.08 A below. (CC 09-03-02)~~

B A. Accessory structures and uses prescribed in Section 2.203.

C B. The following special uses subject to the applicable standards in Section 2.4 and shall be considered commercial uses in the EG zone:

1. House of Worship (Section 2.423).
2. Veterinary services (074) (Section 2.414).
3. Funeral service and crematories (726) (Section 2.415).
4. Used Merchandise Store (Section 2.417).
5. Service stations (554) (Section 2.419) except as provided in Section 2.119.08 below.
6. Automobile services (75) (Section 2.420) BUT EXCLUDING automotive rental and leasing, without drivers (751), automotive repair shops (753), automotive repair (754).
7. Commuter Rail Station

Deleted: 07

2.119.08 Use Restrictions

ATTACHMENT A

A. ~~In the EG zone, a maximum number of three (3) commercial use structures as permitted in 2.119.07 A, may be allowed a maximum of 120,000 square feet ground floor area each or a maximum total of 360,000 square feet ground floor area for all three buildings.~~ (CC 09-03-02)

B. The following uses are prohibited to be established in the EG zone:

1. Farm Use.
2. The rendering, processing, or cleaning of animals, fish, seafood's, fowl, poultry, fruits, vegetables, or dairy products for wholesale use.
3. Vehicle sales and secondary repair.
4. General Storage, including boat and RV storage.
5. Recreational vehicle parks (7033).
6. Automotive Dealers (55), except as provided in Section 2.119.06 above.
7. Automotive rental and leasing, without drivers (751).
8. Automotive repair shops (753).
9. Automotive services, except repair (754).

2.119.09 Development Standards

A. Purpose. The Keizer Station Plan requires the development of Master Plans for each of the five sub-areas. This process provides the City Council with an opportunity to review development proposals in conformance with the Keizer Development Code and the adopted Keizer Station Plan. Master Plans for each sub-area are required to meet the criteria identified in Section 3.113 of the Code.

B. Master Plan Required. A master plan must be reviewed and approved by the City Council prior to subdivision platting. The Master Plan shall be reviewed through a Type II-B review process in accordance with this Section. It is recognized that the applicant of the master plan for the area may not own or control all the land within the master plan boundary. At least 50% of the gross acres within the EG zone must be owned by the same person prior to application for master plan approval. The master plan shall still cover the entire EG zone. For those portions not owned or controlled by the applicant, the Master Plan shall focus on a cohesive interconnected system of planned public facilities and shall set general guidelines to be used throughout the Master Plan area. Subdivision approval shall be based upon the zone and Section 3.108 as applicable.

1. The Master Plan will be developed and considered in accordance with the requirements of the Activity Center Overlay provisions (Section 2.125 of the Keizer Development Code). Once a Master Plan is adopted, the proposed development of each use shall be reviewed through Development Review as required in Section 2.315 of the Keizer Development Code. In the case of conflicts between the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards will apply.

ATTACHMENT A

2. The Master Plan shall include a detailed transportation system design plan for the EG zone. The location of transit facilities shall conform to Section 2.305 of the Code.

2.119.10 Dimensional Standards

- A. Purpose. The lot size standards promote new lots with sizes and shapes that are practical to assemble and develop. The standards are intended to prevent the creation of small lots, which are difficult to develop or to aggregate with other lots. The standards also discourage narrow lots, which increase demand for curb cuts. The EG zone is specifically designed for the property described as follows: physically bound by Tepper Lane to the north, Interstate 5 to the east, Burlington railroad tracks to the west, and Chemawa Road to the south. Uses in the gross acreage described shall be developed as a maximum seventy-five percent (75%) commercial and a minimum twenty-five percent (25%) industrial park. Uses shall be established in conformance with this Section and all other applicable regulations within the Keizer Development Code. Therefore, the division of such ground shall be approved to the standards in subsection 2.119.09.B. below.

B. Minimum Lot Dimension Requirements.

1. Within the acreage identified for commercial uses, at least eighty percent (80%) of the lots must meet Standard A stated in the table within this subsection and the remainder lots must meet Standard B.
2. Within the acreage identified for industrial uses, at least eighty percent (80%) of the lots must meet Standard C stated in the table within this subsection and the remainder of the lots must meet Standard D.
3. Exempt Lots. Lots or tracts created for the purposes of providing a right-of-way or dedicated open space are exempt from the lot size and shape standards of this section.

Development Type	Lot Standard	Minimum Lot Area	Minimum Average Width	Minimum Average Depth
Commercial (2.119.06 & .07)	Standard A	20,000 sq. ft.	100 ft.	100 ft.
	Standard B	10,000 sq. ft.	75 ft.	75 ft.
Industrial Park (2.119.04)	Standard C	3 acres	350 ft.	350 ft.
	Standard D	1 acre	150 ft.	150 ft.

Deleted: 4

2.119.11 Development Standards

- A. Setback from Residential Areas. ~~Where the EG zone abuts a residential district, except another industrial type zone, directly or across an alley or railroad tract, there shall be a minimum required yard of forty (40) feet in depth adjacent to the lot line separating the EG zone from the abutting district. The 40 foot required yard shall not be varied and shall be landscaped in accordance with Section 2.309. [Alternative additional language: The 40 foot required buffer shall not be included in the minimum percentage for landscaping on a lot.] (CC 09-03-02)~~

B. Height, Setback, Coverage, and Landscaping Requirements

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ATTACHMENT A

Development Type	Building Standards			Building Setbacks			Minimum Landscaping	
	Maximum Height	Maximum Building Size	Maximum Lot Coverage	Street-side		Side/Rear Not Adjacent to Residential zone	Adjacent to Residential zone	Percentage of Lot Area
				Min	Max			
Commercial	50-100 ft. (1)	60,000 sq.-ft. (2) (6)	85% (2)	10 ft.	(3)	None	40 ft.	45% 10% (5)
Industrial Park	80 ft. 100 ft. / 15 ft. within 50' of any residential zone (1)	None (6)	80% (2)	25 ft. 20 ft.	None	None	40 ft. plus 2 ft. for each foot of bldg. height over 50 ft.	20% 10% (5)

Deleted: 20 ft
Deleted: (4)

(1) Height Exceptions. Exceptions to the maximum height standard are stated below.

- Projections allowed. Chimneys, flag poles, satellite receiving dishes, and other items similar with a width, depth, or diameter of 5 feet or less may rise 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.
- Rooftop mechanical equipment. All rooftop mechanical equipment must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Elevator mechanical equipment may extend up to 16 feet above the height limit. Other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.
- Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit.

(2) Structures that exceed 60,000 sq. ft. must comply with Sections 2.119.06.A and 2.119.07.A. (CC 09-03-02)

(2) Maximum lot coverage allowed for buildings, accessory structures and paved parking.

(3) Alternative maximum setback option for large commercial uses.

- Purpose. The intent of these regulations is to allow significant street setbacks for very large retail stores locating along transit street or street in a pedestrian district and individual elements of an integrated shopping center in exchange for a pedestrian and transit-friendly main street type of development. These large commercial sites can still be transit-supportive and pedestrian-friendly by placing smaller commercial buildings close to the street and by creating an internal circulation system that is similar to streets to separate the parking area into blocks. The intent is to encourage development that will, over time, form a pedestrian-friendly main street along the perimeter of the parking blocks.

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- b. Regulation. Commercial buildings that exceed 60,000 square feet of floor area (CC 09-03-02) are exempt from the maximum setback requirements identified in Section 2.119.

- (5) Landscaping. All required yards, except driveways, are required to be landscaped; that portion within the required yard, which is landscaped, may be included in the calculation to meet minimum landscaping requirements. Landscaping shall meet all applicable standards identified in Section 2.309 of the Code.
- (6) Streetscaping. Streetscaping is defined as pedestrian oriented improvements to property outdoors. Streetscaping may include, but not limited to, walkways with varied materials (other than plain concrete or asphalt), art features, water features, planters, benches, hanging plant baskets, and plazas. (CC 09/03/02)

(a) In accordance with Section 3.113 Keizer Station Master Plan Review, at the time of master plan approval by the Council, the Council may determine if streetscaped areas may be included in the minimum landscape area for a proposed development.

- B. Design Standards. All development in the EG zone shall comply with applicable standards in Section 2.315 of the Code, in addition to the standards below:

1. Exterior Display, Storage, and Work Activities.

- a. Exterior display and storage is allowed. Exterior display and storage shall not be located within required setbacks nor required landscaped areas. Exterior display and exterior storage areas shall not be located within 100 feet of any property line within 60 feet of a residential zone.
- b. Exterior work activities are allowed in the areas identified for industrial development. Exterior work activities shall not be located within required setbacks nor required landscaped areas. Such exterior work activities shall not be located within 100 feet of any property line within 60 feet of a residential zone.

2. All development must comply with the applicable standards identified in the Code including, but not limited to, the following:

Section 2.125	Activity Overlay Zone
Section 2.3	General Development Standards
Section 2.301	General Provisions
Section 2.302	Street Standards
Section 2.303	Off-Street Parking and Loading
Section 2.305	Transit Facilities
Section 2.306	Storm Drainage
Section 2.307	Utility Lines and Facilities
Section 2.308	Signs
Section 2.309	Site and Landscaping Design
Section 2.310	Development Standards for Land Divisions
Section 2.312	Yard and Lots Standards
Section 2.315	Development Standards
Section 2.4	Special Uses

Deleted: 10.B

Deleted: if all of the following are met:

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Section Break (Continuous)

(i) Other buildings on the site have ground level walls within the maximum setback for at least 25 percent of the frontage on a transit street or street in a pedestrian district. For sites with frontage on more than one transit street or in a pedestrian district, the following regulations below apply. These buildings must be constructed before or at the same time as the large commercial use.

-

(a) Frontage on more than one transit street. Where the site is adjacent to more than one transit street, the following standards apply.

Section Break (Continuous)

-

(b) If two or more of the transit streets intersect, at least 50% of the length of the ground level street facing facade of the building must be within the maximum setback along two of the intersecting transit streets, but does not need to be met along others; the applicant may choose which intersection; and

-

(c) If none of the transit streets intersect, at least 50% of the length of the ground level street facing facade of the building must be within the maximum setback; the applicant may choose which street.

-

Section Break (Continuous)

(ii) Connections between sites. The system must connect the buildings on the site to all adjacent properties.

Deleted: (4). At least 50 percent of the length of the ground level street facing facade of a building must be within the maximum setback. (CC 09-0302)

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3.113 KEIZER STATION MASTER PLAN REVIEW**3.113.01 Area of Application**

The Keizer Station Plan requires the development of ~~general concept~~ Master Plans for each of the five sub-areas. This process provides the City Council with an opportunity to review development proposals in conformance with the Keizer Development Code and the adopted Keizer Station Plan. Each ~~subarea~~ Master Plan shall be reviewed through a Type II-B review process.

3.113.02 Review Procedures

Potential alternative language recommended by staff:

The Keizer Station Plan identifies different subareas for planned development.

Each subarea ~~except area C~~ is required to be approved through the Keizer Station Master Plan Review (Type II-B) application procedure.

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Type II-B actions follow the procedures found in Section 3.204.02. Staff has an advisory role. The Zoning Administrator shall make a recommendation to the City Council for public hearing and decision bypassing the Hearings Officer. Public notice and a public hearing are provided. Section 3.202 lists the notice requirements. Section 3.206 sets forth the hearings process.

Properties in Area C may develop as an individual parcel with a Conditional Use Permit (Type I-B) approved by the Zoning Administrator in accordance with the applicable criteria and subject to conditions of approval in Section 3.113.04. Two or more parcels in Area C may develop with Type II-B Keizer Station Master Plan Review approval by the City Council.

3.113.03 Submittal Requirements

A. Area A – Village ~~Village Center~~. (CC 09-09-02)

1. Infrastructure engineering and architectural site plans showing all structures in relation to projected final topography of the project, all proposed connections to existing or proposed roads, transportation facilities (including proposed right-of-way), utilities, open space and parking areas, depicting the number and types of spaces. (CC 09-03-02)

Keizer City Council – October 7, 2002
(Changes underlined and dated)

ATTACHMENT C

2. Landscape plans generally showing the common and botanical name of plant species, the number and size of plantings and demonstrating the location and type of irrigation.
3. Plans, Building elevations, typical cross-sections and typical wall sections of all building areas.
4. Typical elevations of the buildings to determine the specific configuration and relationship of design elements of the typical building exteriors, which describe the general aesthetic and technical aspects of the building exterior, including materials.
5. Typical elevations, ~~and~~ cross sections of entrance canopies, interior public courts, specialty areas, and service area layouts.
6. Typical layouts for exterior signage and graphics.
7. Preliminary outline specifications describing exterior construction materials and methods, including indications of colors, finishes, and patterns.
8. An general outline of amenities, including, but not limited to, public art, furniture, handrails, seating areas and food areas, if any.
9. A description of servicing requirements, trash compactors and related areas, loading docks, etc.
10. Calculation of gross building, parking and open space.
11. ~~Detailed cost estimate pertaining to the construction of the improvements as presented in the Design Development Drawings, for review and comment only. (CC 09-09-02)~~
- 12.11. For any project for which the projected daily average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated.

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~~Deleted: Proposed~~

A. Area A – Sports (CC 09-09-02)

Keizer City Council – October 7, 2002
(Changes underlined and dated)

1. General location of land uses, open spaces, and pedestrian and vehicular circulation and a written explanation showing how these features achieve the purpose of the activity center design plan.
2. For any project for which the projected daily average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated.

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C. ~~Retail Service Center.~~ Area B (CC 09-09-02)

1. General location of land uses, open spaces, and pedestrian and vehicular circulation and a written explanation showing how these features achieve the purpose of the activity center design plan.
2. For any project for which the projected daily average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated.

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D. ~~Keizer Station Center.~~ Area C (CC 09-09-02)

1. General location of land uses, open spaces, and pedestrian and vehicular circulation and a written explanation showing how these features achieve the purpose of the activity center design plan.
2. For any project for which the projected daily average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated.

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E. ~~Commerce Center.~~ Area D (CC 09-09-02)

1. General location of land uses, open spaces, and pedestrian and vehicular circulation and a written explanation showing how these features achieve the purpose of the activity center design plan.

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2. For any project for which the projected daily average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated.

3.113.04 Review Criteria

Approval of a concept Master Plan for a subarea of the Keizer Station Plan shall require compliance with the following:

A. The concept master plan shall meet the purpose and objectives identified in the Keizer Station Design Plan.

B. The concept master plan shall establish how the following standards as identified in the Keizer Station Plan are to be met:

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1. Design standards
2. Transportation system standards
3. Utility standards
4. Parking standards
5. Landscape standards

C. Development Strategies for Area A – Village.

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1. Pedestrian Access, Safety and Comfort

a. To ensure safe, direct and convenient pedestrian circulation, development in the EG zone shall provide a continuous pedestrian and/or multi-use pathway system.

b. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible.

c. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets and parking areas.

d. For all developments subject to Master Plan review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.

e. Recessed entries, canopies, and/or similar features shall be used at the entries to a building in order to create a pedestrian-scale.

d. f. The proposal contains an equally good or superior way to achieve the above criterion and guidance.

2. Vehicular Movement

- a. Encourage traffic to enter and exit the development at locations other than Tepper Lane. (CC 09-09-02)

3. Crime Prevention and Security

Crime prevention shall be considered in the site design through application of all of the following guidelines:

- a. **Territoriality** – All proposed building entrances, parking areas, pathways and other elements are defined with appropriate features that express ownership. ~~(Generally, people protect and maintain territory that they feel is their own and have a certain respect for the territory of others.)~~ (CC 09-09-02) For example, landscaping, fences, pavement treatments, art and signs are some physical ways to express ownership through design. Such features should not conflict with the need for natural surveillance, as described in b.; and
- b. **Natural Surveillance** – The proposed site layout, building and landscape design promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site. For example, window placement, the use of front porches or stoops, use of low or see-through walls, and appropriate use of landscaping and lighting can promote natural surveillance. Sight-obscuring shrubs and walls should be avoided, except as necessary for buffering between commercial uses and lower density residential districts, and then shall be minimized; and
- c. **Activity Support** – The proposed site layout and building design encourage legitimate activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining; and
- d. **Access Control** – By property siting and designing entrances and exits (i.e., in clear view from the store), and through the appropriate use of

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a. . If in the EG zone, the building(s) shall have at least one primary entrance facing every abutting street, or is /are directly accessed by a sidewalk or plaza within 20 feet of the primary entrance.¶

¶
b. . Building entrances in the EG zone open directly to the outside; every building has at least one entrance that does not require passage through a parking lot or garage to gain access; corner buildings have corner entrances whenever possible.¶

¶
c. . Parking and vehicle drives are located away from building entrances, and not between a building entrance and the street, except as may be allowed when a direct pedestrian connection is provided from the sidewalk to the building entrance.¶

¶
-> Surface parking is oriented behind or to the side of a building when possible; parking shall be accessed from an alley when possible; and parking shall not be located on street corners if in the EG zone.¶

¶
-> For driveways that service uses that require more than 100 parking spaces, such driveway intersections with Radiant Drive shall not have any parking within twenty-five feet of the driveway intersection. This area shall be landscaped in accordance with Section 2.309 of the Keizer Development Code.¶

¶
The proposal contains an equally good or superior way to achieve the above criterion and guidelines.

lighting, signs and/or other features, the proposed plan controls access in ways that discourage crime; and/or

- e. The proposal contains an equally good or superior way to achieve the above criterion and guidelines.

4. Reduced Parking

Reduce or waive minimum off-street parking standards. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; availability of transit service, and likelihood of car pool use; and adjacent on-street parking. The parking study is subject to review and approval or modification by the City.

5. Creating and Protecting Public Spaces

- a. ~~The development provides at least 20 square feet of public space, in addition to required sidewalk(s), for every 10 off street surface parking spaces or 1,000 square feet of floor space, whichever is greater. The development provides an appropriate amount of public space as determined by the City Council in addition to sidewalks and landscaping. (CC 09-09-02)~~
- b. Public space may be a landscaped open space or plaza with pedestrian amenities, as approved by the City Council.

6. Human Scaled Building Design

Building facades are designed to a human-scale, for aesthetic appeal, pedestrian comfort, and design character of a development.

- ~~a. The City Council may determine architectural character, continuity of building sizes, roof forms, rhythm of window and door spaces and the general relationship of buildings to public spaces such as street, plazas, other open space and public parking.~~
- ~~b. The City Council may determine a minimum distance along Radiant Drive that may require development to be constructed to abut Radiant Drive to the above referenced standards.~~
- ~~c. The proposal contains an equally good or superior way to achieve the above criterion and guidelines.~~

7. The Village within Area A shall contain a public improvement design to include a 12 foot dual direction promenade on both sides of Radiant Drive.

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The promenade shall be separated from the street with a landscape belt, including decorative lighting and trees. (CC 09-09-03)

The proposal contains an equally good or superior way to achieve the above criterion and guidelines. (CC 09-09-03)

3.113.04 Conditions of Approval

The City may attach conditions to any development within an Activity Center to achieve the following objectives:

- A. **Transit Orientation.** The development shall emphasize transit usage by residents, employees and customers. This may require:
 - 1. **Orienting building and facilities towards transit services.**
 - 2. **Minimizing transit/auto conflicts.**
 - 3. **Encouraging transit supportive uses.**
 - 4. **Minimizing walking distance to transit stops.**
 - 5. **Avoiding excess parking areas.**
 - 6. **Encouraging shared parking and structures or under-structure parking.**
- B. **Pedestrian/Bicycle Circulation.** The development shall facilitate pedestrian/bicycle circulation. This may require:
 - 1. **Providing efficient, convenient, and continuous pedestrian and bicycle transit circulation systems, linking developments with the Activity Center facilities, and surrounding development.**
 - 2. **Separating auto and truck circulation and activities from pedestrian areas.**
 - 3. **Pedestrian-oriented design.**
 - 4. **Pedestrian amenities.**
 - 5. **Bicycle parking.**
 - 6. **Outdoor lighting.**
- C. **Coordination.** Coordination of development within an Activity Center area. This may require:

ATTACHMENT C

1. **Continuity and/or compatibility of landscaping, circulation, access, public facilities, and other improvements.**
 2. **Siting and orientation of land uses.**
 3. **Frontage roads or shared access.**
- D. Compatibility. Developments within the Activity Center should be compatible with, and complement the surrounding neighborhood. This may require:**
1. **Sensitive use of landscaping, building heights, building scale, materials, lighting, circulation systems, and architectural features.**
 2. **Buffering of adjacent residential uses.**

2.315 DEVELOPMENT STANDARDS**2.315.01 Purpose**

The Development Standards are intended to implement the Keizer Comprehensive Plan and the purpose of each zoning district. They do this by promoting functional, safe, and attractive developments that maximize compatibility with surrounding uses and commercial corridors, and that are compatible with and enhance the transportation system. Development Standards mitigate potential conflicts and problems, and maximize harmonious relationships. Alternatives to the Design Standards on a case-by-case basis may be reviewed and approved as a land use action. In such cases, the purpose of this ordinance shall be met through factual findings and conclusions about the proposed design, and attachment of specific conditions if necessary, by the review body. Application of Development Standards does not evaluate the proposed use, nor the specific architectural style or design. Rather, the Development Standards focus on the structural elements of texture, color, and materials, and on the site elements of building placement. (5/98)

2.315.02 Application of the Development Standards

Development Standards are applied in one of three ways: (5/98)

- A. The Development Standards embodied in this ordinance are administratively reviewed at the time of a building permit. Compliance to the standards is a condition of building permit approval. These standards are intended to be objective and to serve as a guide to designers of developments. (5/98)
- B. The Development Standards embodied in this ordinance are to be perpetually maintained on all properties. This particularly applies to color and facade materials, which may possibly change without requiring a building permit. (5/98)
- C. In the event a development proposal or a change to an existing building does not conform to the standards contained in this ordinance due to an applicant wishing to propose alternatives, the applicant may choose to apply for approval of a Development Review application, which is a land use application processed in the same manner as a conditional use. (5/98)

2.315.03 Relationship to Other Regulations

The Development Review process does not supersede or is not superseded by other regulations. Approval of an application for Development Review does not relieve the applicant of responsibility for compliance with other applicable codes, ordinances, statutes, or regulations. (5/98)

2.315.04 Review Procedures

- A. No building permit will be issued for a use requiring Development Review until the application for Development Review is approved. (5/98)
- B. In instances where conformance to the standards is outside of the scope of a building permit, such as repainting a building, the owner shall be responsible for conformance with these standards. (5/98)
- C. When an applicant wishes to propose an alternative to the Development Standards, they may apply for a Development Review. A Development Review application shall comply with the procedures for a Conditional Use Permit in Section 3.103, with the initial decision rendered by the Planning Commission (Section 3.103.06.C.). (5/98)

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2.315.05 Applicability

Conformance with the Development Standards is required in these instances, except where modified in the specific standard: (5/98)

- A. The following buildings and uses are subject to these standards: (5/98)
 - 1. Any commercial or office use
 - 2. Any industrial use
 - 3. Any public buildings designed for regular human occupancy, other than schools. (5/98)
 - 4. Any residential development involving four or more attached dwelling units or apartments
- B. The Standards shall specifically apply only in the following circumstances: (5/98)
 - 1. Construction of new buildings
 - 2. Expansions of existing buildings by 500 square feet or more. (5/98)
 - 3. Any external remodeling of a structure that requires a building permit. (5/98)
 - 4. All buildings in matters relating to color or facade materials. (5/98)

2.315.06 Non-Applicability

Development Standards specifically do not apply to the following uses: (5/98)

- A. Agricultural uses
- B. Any residential building housing three or fewer dwelling units
- C. Accessory structures of less than 500 square feet. (5/98)
- D. Any interior remodeling
- E. A temporary business

2.315.07 Non-Conforming Buildings

Any building that does not conform to the development standards for color or facade materials on the date this ordinance is effective is considered non-conforming as defined and regulated within the zoning ordinance. (5/98)

2.315.08 Development Standards

All applicable development must meet the following standards: (5/98)

- A. Internal Pedestrian Circulation
 - 1. **Connection Required.** The internal pedestrian circulation system for the proposed development must connect to other areas of the site, to other building entrances, to adjacent streets and to nearby transit stops. (5/98)
 - 2. **Location, Design.** Walkway(s) shall be located so that a pedestrian can conveniently walk between a transit street and the main entrance to a building(s). A raised walkway or a walkway that is separated from the auto travel lane and parking by a raised curb or other physical barrier, other than where it crosses a driveway, shall be provided. If a raised path is used the ends of the raised portions must be equipped with curb ramps. (5/98)
 - 3. **Driveway Crossings.** Driveway crossings shall be minimized and in no case exceed 30 feet in width. Where the pedestrian system crosses driveways, parking areas and loading areas, the system must be clearly identifiable through the use of elevation changes, a different paving material or other similar method. (5/98)

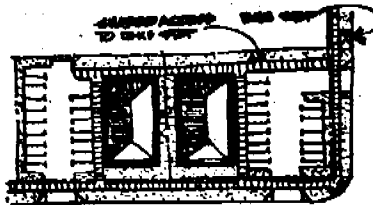


Figure 1 – Pedestrian Access Standards

4. **Lighting.** Lighting shall be provided along all walkways. Pedestrian walkways must be lighted to a level where the system can be used at night by employees and customers. (5/98)
 5. **Walkway Coverage.** Walkways along building frontages shall be covered with awnings, or building overhangs except for single businesses greater than 20,000 square feet of area in which case this requirement shall be limited to 33% of the building frontage. The minimum vertical clearance shall be 9 feet for awnings and 12 feet for building overhangs. (5/98)
 6. **Dimensions.** Walkways shall be at least five feet in paved unobstructed width. Stairs or ramps shall be in place where necessary to provide a direct route between the transit street and the building entrance. Walkways without stairs shall have a maximum slope of 8% and a maximum cross slope of 2%. (5/98)
 7. **Additional Street Access.** A walkway from a building entrance to a public street shall be provided for every 300 feet of street frontage or for every eight rows of vehicle parking, whichever is the greater distance. (5/98)
 8. **Access to Adjacent Property.** If it can be reasonably expected that the proposed development has the potential of being a significant attractor or generator of pedestrian traffic, potential pedestrian connections between the proposed development and existing or future development on adjacent properties other than connections via the street system shall be identified. (5/98)
 9. **The building permit or site plan review application shall designate walkways and pedestrian connections on the proposed site plan or findings shall be submitted demonstrating that the walkway or connection is infeasible. The findings will be evaluated during the building permit or site plan review process. (5/98)**
- B. **Building Design**
1. **Ground floor windows – In the CM, CR, EG and MU zones, all street-facing elevations containing permitted uses as listed under Sections 2.110.02 F, G, H, I, J and K shall have no less than 50 percent of the ground floor wall area with windows, display areas or doorway**

openings. This requirement shall not apply to buildings in an integrated shopping center element or to single users greater than 20,000 square feet. (5/98)

2. **Building facades -**
 Facades that face a public street shall extend no more than 30 feet (for buildings smaller than 20,000 square feet) or 60 feet (for buildings greater than 20,000 square feet) without providing a variation in building materials, a building off-set of at least 2 feet, or a wall area

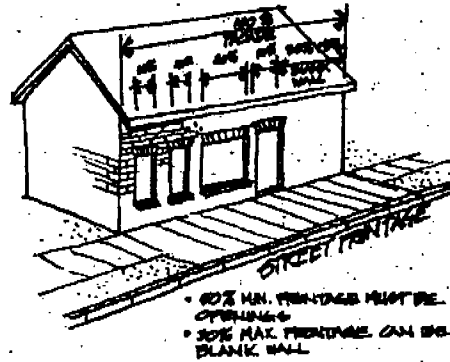


Figure 2 – Façade Standards

this is entirely separated from other wall areas by a projection, such as a porch or a roof over a porch. No building facade shall extend for more than 60 feet without a pedestrian connection between or through the building, provided there is a pedestrian purpose served by including such connection. (5/98)

3. **Awnings -** Awnings, canopies, or arcades shall be tent shaped and shall be provided along building storefronts abutting a public sidewalk. Awnings and canopies shall be constructed of canvass, vinyl, or similar standard awning material. Awnings and canopies shall not be back lit. (5/98)
4. **Materials and Texture**
- All buildings shall have wood, brick, stone, architectural block or slump stone, architectural concrete or stucco siding, or vinyl siding made to look like wood siding. (5/98)**
 - Building trim shall be wood, brick, stone, stucco, or metal. (5/98)**
 - Any roofing material is allowed including metal roofs. (5/98)**
 - Plain concrete block, plain concrete, corrugated metal, plywood and sheet press board may not be used as exterior finish materials. (5/98)**

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- e. Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than 3 feet. (5/98)

5. Color

- a. Any portion of a building that is painted or stained may use as the main color, and roof color for all portions of the roof visible from the ground, the following colors found in the Sherwin Williams color chip book entitled "Exterior Color Answers" published 9/90 (or the equivalent color from another manufacturer) with the following numbers: 2001 - 2004; 2008 - 2011; 2015 - 2020; 2022 - 2027; 2029 - 2034; 2036 - 2097; 2099 - 2104; 2106 - 2111; 2113 - 2118; 2120 - 2125; 2127 - 2131; 2134 - 2139; 2141 - 2237; 2239 - 2250; 2253 - 2258; 2260 - 2265; 2267 - 2272; 2274 - 2279; 2281 - 2384; 2386 - 2391; 2393 - 2398; 2400 - 2405; 2407 - 2412; and 2414 - 2419.
 - b. For the purpose of this ordinance, "main color" is the principal color of the building which must be at least 75% of the surface of the building excluding windows; the trim colors of all buildings may be any color. (5/98)
 - c. In no case shall the main color or the trim color of any structure be "florescent", "day-glo", or any similar bright color. (5/98)
- 6. Roof Lines** - Roof lines shall establish a distinctive "top" to a building. When flat roofs are proposed, a cornice a minimum 12 inches high projecting a minimum 6 inches from the wall at the top of the wall or parapet shall be provided. (5/98)
- 7. Roof-mounted equipment** - In a CM, CR, CO, EG or MU zone, all roof-mounted equipment, including satellite dishes and other communication equipment, must be screened from view from adjacent public streets. Solar heating panels are exempt from this standard. (5/98)

E. Accessory Structures

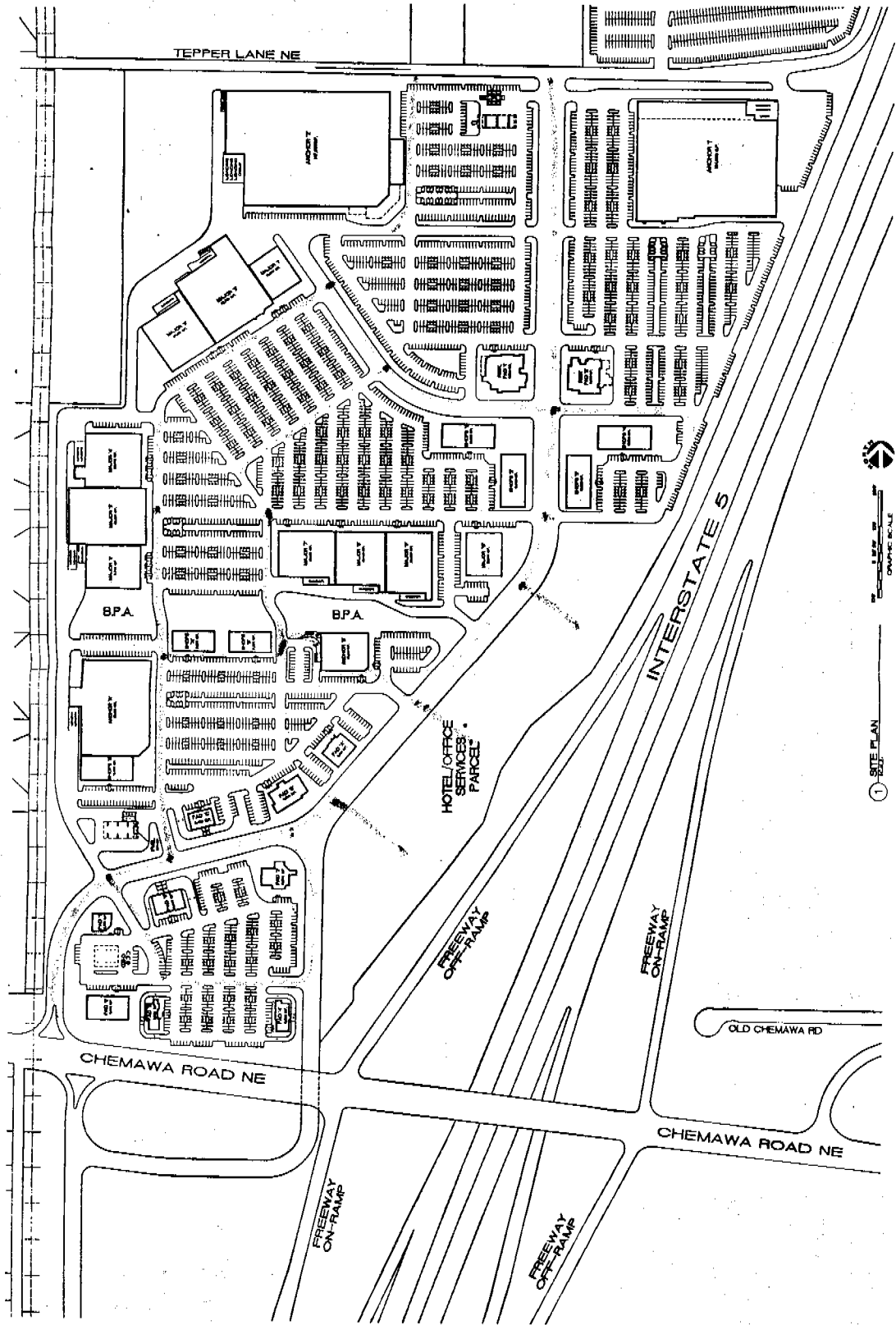
Accessory Structures including buildings, sheds, trash receptacles, mechanical devices, and other structures outside the main building, shall either be screened from view by the public by a hedge or fence, or painted the same color as the main color of the building. (5/98)

2.315.09 Determination of Conformance to Development Standards as Part of Building Permit Review

The Zoning Administrator, or designee, during the normal course of reviewing a building permit application shall include as part of that review determination of the proposal's conformance with the Development Standards. Corrections may be noted on the plans, or required to be submitted as amended plans, to assure conformance to the standards. Building plans shall not be approved unless there is conformance to the standards. (5/98)

2.315.10 Criteria for Development Review

The Planning Commission, or Council upon appeal, may approve the proposed design alternatives, or approve them with conditions, if it finds the alternative design can meet the purpose and intent of this ordinance and be successfully applied to a particular property. (5/98)



KEIZER STATION - VILLAGE CENTER

DEVELOPER : NORTH-WEST NATIONAL LLC
 RETAIL DEVELOPMENT CONSULTANT : RPS DEVELOPMENT COMPANY, INC.

KEIZER, OREGON

RETAIL ARCHITECT : BENNER STANCE ASSOCIATES ARCHITECTS P.C.
 KEIZER STATION MASTER PLANNERS : ANKROM MOISAN ASSOCIATED ARCHITECTS

AQUATIC
CENTER
50K S/F

PARKING

AREA-E

MINI-GOLF
&
BATTING CAGE
36K S/F

B-BUILD
10K S/F

3.P.A

THEATER
45K GSF

10K
GSF

20K
GSF

20K
GSF

MIXED
10K GSF

MIXED
10K GSF

MIXED
10K GSF

MIXED
20K GSF

HOME BASE
124K GSF

TARGET
113K S/F

MIXED
40K GSF

FRED MEYER
165K GSF

30K GSF

20K GSF

20K GSF

30K GSF

20K GSF

10K GSF

10K GSF

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10K GSF

10K GSF

AREA-A

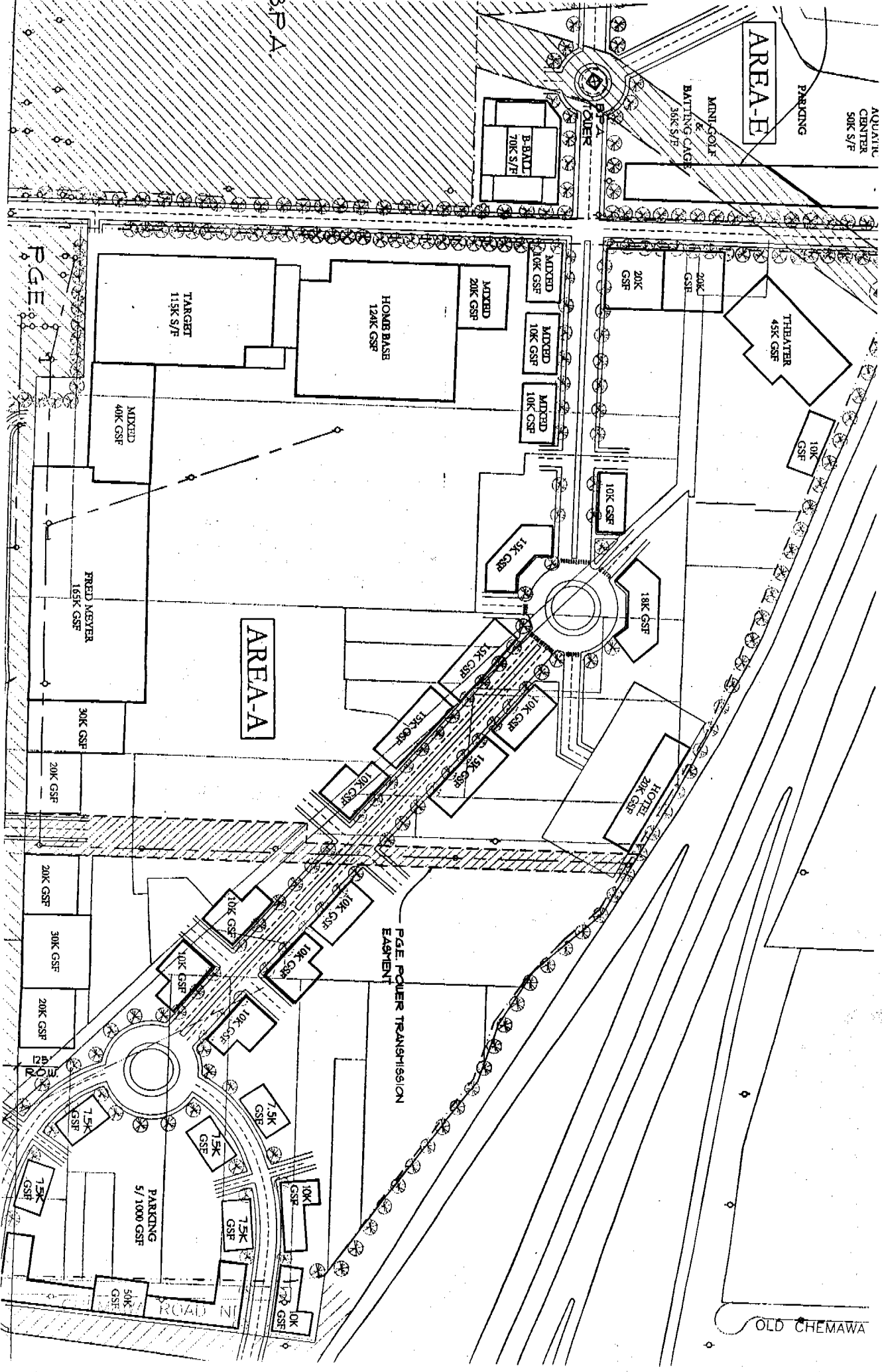
HOTEL
24K GSF

P.G.E. POWER TRANSMISSION
EASTENT

PARKING
5/1000 GSF

ROAD N

OLD CHEMAWA





Public Works Department

MEMORANDUM

DATE: October 2, 2002

TO: Maria Meier
Planning Director

FROM: Rob Kissler
Director of Public Works

SUBJECT: Keizer Station Draft Plan

BACKGROUND:

Council suggested in the recent deliberations on the Keizer Station Plan in Attachment C section 3.111.04 C, 7, that 12' pedestrian and bicycle promenades be constructed on both sides of Radiant Drive. Staff has concerns with this type of design if this is the only bicycle lanes provided in the development. Bicycles traveling on combined sidewalks or promenades with storefront accesses and cross streets create significant safety hazards. I have contacted the ODOT Bicycle and Pedestrian Manager regarding this design. He is willing to give comments in writing on specific designs when submitted. The timeline for developing a design and receiving comments is four weeks.

Staff recommends Council deliberate the suggested change in the Keizer Station Plan Area A in detail, so a final proposed design can be obtained and submitted to ODOT and the City Engineer for comments.

July 24, 2002

VIA OVERNIGHT COURIER

EXHIBIT "A-114"

Chuck Sides, President
Management Group Oregon, Inc.
245 - 13th Street N.E.
Salem, OR 97301

Re: Treatment of Recreational Facilities as Local Improvements
Northwest National LLC

Dear Chuck:

As promised, attached to this letter is a research memorandum prepared by Heather Tourville of our office. That memorandum addresses the general issue of whether recreational facilities may qualify as local improvements under Oregon law, thereby qualifying for tax-exempt financing.

Our preliminary view is that, under certain circumstances, recreational facilities may qualify as local improvements. As applied to the specific example of the arena and aquatic center proposed as part of the Keizer Station project, this conclusion would indicate that those improvements may qualify if:

1. There was a reasonable basis for the factual conclusion that a special benefit to the assessed properties will exist; and
2. The Keizer City Council, in their discretion, is willing to designate those recreational facilities as local improvements.

Please contact either Doug or me if you wish to discuss these matters further.

Sincerely,

ATER WYNNE LLP



Michael A. Lewis

MAL:ddp
Attachment
cc: Doug Goe
Heather Tourville

MEMORANDUM

TO: Douglas E. Goe, Public Finance Department Chair
Michael A. Lewis, Of Counsel

FROM: Heather Tourville, Associate

DATE: July 24, 2002

RE: Ability to Finance Recreational Facilities Through Special Assessments Under Oregon's Local Improvement Statute

Our client, Northwest National LLC (the "Company"), has submitted a plan (the "Keizer Station-Village Center" plan) to the City of Keizer (the "City") to construct a multi-use development consisting primarily of commercial, industrial, transportation and recreational facilities, including an aquatic center and a sports arena. The Company has asked us to determine whether recreational facilities of this type may be considered "local improvements" conferring a special benefit to property owners within a local improvement district. If so, the construction of the improvements may be financed through the issuance of tax-exempt debt, the debt service on which is paid by assessments on the benefited property.

What Constitutes a "Local Improvement"?

Governmental entities have authority to levy taxes or special assessments to finance the construction of public improvements. Providing recreational facilities for the public is an authorized public improvement. *McQuillin, Municipal Corporations*, § 37.02; *Capen v. City of Portland*, 112 Or. 14, 228 P. 105 (1924) ("Municipal corporations are not limited to providing for the material necessities of their citizens. . . . The power of cities and towns to maintain institutions which educate and instruct as well as please and amuse their inhabitants . . . is unquestioned"). This is so even if a fee is charged for use of the facilities. *McQuillin, supra*, § 37.01. Recreational facilities that have been upheld as proper public improvements in various states include auditoriums, opera houses, stadiums, parks, playgrounds, swimming pools and golf courses. *Id.* § 37.02; *see also Capen*, 228 P. at 105-06 (holding that a golf course constitutes a "public utility" and upholding the City of Portland's issuance of bonds payable from the proceeds of the fees collected by players).

The key distinction for purposes of this memorandum is that public improvements may be either local or general in nature. *McQuillin, supra*, § 37.01. In order to charge the expense of a public improvement against property through the levy of a special assessment, the improvement must confer a "special benefit" on the property that is local in nature, as opposed to a purely general benefit conferred on the public as a whole. ORS 310.140(7)(a)(A) (defining "local improvement" as "a capital construction project . . . undertaken by a governmental unit. . . that provides a special benefit only to specific properties. . . ."). This means that "the improvement must bring to it a benefit substantially more intense than that which is realized by

the rest of the municipality." *Sisters of St. Mary, Inc. v. City of Beaverton*, 4 Or. App. 297, 478 P.2d 412 (1970); accord *Fisher v. City of Astoria*, 126 Or. 268, 269 P. 853 (1928) (requiring that an improvement confer a "substantial benefit" upon the property to be assessed within the district).

Yet the fact that a general benefit as well as a special benefit is conferred will not preclude the use of special assessments. ORS 310.140(7)(b) ("[T]he status of a capital construction project as a local improvement is not affected by the accrual of a general benefit to property other than the property receiving the special benefit."); accord *Ester v. City of Monmouth*, 322 Or. 1, 903 P.2d 344 (1995) (rejecting a property owner's argument that street improvements did not provide a "special benefit" to her property because the improvements provided a general benefit to the community). In *Ester*, the Oregon Supreme Court stated:

When a local improvement produces a special benefit, other than the benefit received by the general public, to certain land in the vicinity of the improvement, the mere fact that it also results in benefit to the general public, or even the fact that its immediate occasion or purpose was the creation of the general improvement project of which it is a part, does not deprive it of its character as a local improvement nor prevent the imposition of at least a portion of its cost as a special assessment against such land.

Id. at 16, 903 P.2d at 349 (quoting *Stanley v. City of Salem*, 247 Or. 60, 427 P.2d 406 (1967)). In *Fisher v. Astoria*, a much earlier case, a property owner challenged a local assessment levied for the installation of ornamental light poles in a commercial area on the basis that the assessed properties had not been specially benefited. The Oregon Supreme Court focused on the value the improvements added to the surrounding businesses in upholding the assessment as valid:

It is common knowledge that many business men and property owners believe that such a lighting system renders the street more attractive to the retail trade and thus enhances values. Before the expense of installing an improvement can be assessed against the property in a district, it is essential that the improvement should confer a substantial benefit upon the property within the district. It may incidentally benefit the entire city; that wholesome effect will not destroy its use as the foundation for a local assessment, provided it brings to the proposed district a benefit substantially more intense than it yields to the rest of the municipality. . . .

Fisher v. City of Astoria, 126 Or. 268, 277, 269 P. 853, 856 (1928).

Do Aquatic Centers and Sports Arenas Qualify Under this Analysis?

A search of applicable law has not revealed any Oregon cases dealing with recreational facilities and special assessments. Public improvements for which special assessments have *not* been allowed in other jurisdictions because the special benefit to abutting properties was inadequate include: the construction of public school buildings, courthouses, public convention halls, libraries, and memorials. McQuillin, *supra*, § 38.29. On the other hand, wharfs, parking

lots, landscaping, pedestrian walkways and other amenities in central business districts have all been permitted to be constructed through special assessments. *Id.*

Aquatic centers and sports arenas are similar improvements to public parks, and according to *McQuillin, Municipal Corporations*, "[w]hile a public park is, to some extent, a general benefit to the whole city, it is also, as a general rule, a special benefit to the locality or part of the city in which it is established, and to the extent of such special benefits property may be assessed." *Id.* § 38.28.¹

The best authority for financing an aquatic center and sports arena through special assessments would be an authorizing provision in the City's charter or code. At least one municipality in Oregon has enacted an ordinance providing for special assessments to be levied "to construct, reconstruct, repair or equip a park, playground or other recreational facility." See *Sandy City Code* § 12.04.010. However, the City has no similar provision in its charter or code.²

Due to the lack of case law, statutory authority and local law on point, it is possible but not certain that an aquatic park or sports arena could be considered a "local improvement" conferring a special benefit to abutting property owners within the Keizer Station – Village Center development. Clearly such recreational facilities qualify as public improvements and would confer a general benefit on the City as a whole. But whether such improvements would confer a local benefit "substantially more intense" on the Keizer Station – Village Center properties than that which would be realized by the City generally is a factual inquiry that cannot be answered with absolute certainty. It is at least arguable that the improvements would add special value to the abutting commercial properties within the Keizer Station – Village Center development due to the increased publicity and exposure. To the extent the aquatic center and the sports arena did confer a special benefit on the abutting properties, such properties could be specially assessed.

A governing body's determination of the special benefit accruing to property within a local improvement district is given great deference and is rarely overturned by a court. As a policy matter, courts are reluctant to interfere with a city's assessment determinations because (1) levying special assessments is analytically similar to the exercise of a legislative function, which is nonjusticiable, (2) courts lack expertise in making such determinations, unlike city councils which are "aided by staffs with at least some expertise," and (3) special assessments are so frequently used to finance local improvements that subjecting the assessment process to unrestrained judicial review would have a tendency to flood the court system. *Kerr v. Hallett*, 67 Or. App. 324, 677 P.2d 1098, 1102 (1983) (upholding an assessment in spite of the property owner's claim that his property was not benefited by the improvement). The view Oregon courts

¹ The Oregon Supreme Court has cited *McQuillin, Municipal Corporations*, as an authoritative legal source on the subject of local improvement districts and special assessments. See, e.g., *Wing v. City of Eugene*, 249 Or. 367, 437 P.2d 836 (1968) (citing § 38); *Bennet v. City of Oceanlake*, 247 Or. 539, 430 P.2d 1004 (1967) (also citing § 38).

² The City's charter provides that the procedure for making public improvements "shall be governed by general ordinance or, to the extent not so governed, by the applicable general laws of the state." Keizer City Charter § 35. According to the City Recorder, no general ordinance has been enacted due to the City's rare use of the local improvement process. The few times special assessments have been levied, the City has followed the statutory requirements set out in ORS Chapter 223.

have taken is that the city council's determination of the amount of benefit a property receives from an improvement is "conclusive" unless the property owner can prove the assessment is "palpably arbitrary and abusive." *Id.* This is a heavy burden and "virtually no special assessment legislation in Oregon has ever failed it." *Dames v. City of Forest Grove*, 60 Or. App. 19, 652 P.2d 839 (1982) (rejecting a property owner's claim that the assessment levied against his property was "palpably arbitrary"). Due to this judicial deference, it is likely, though not definitive, that if the City's determination of special benefits were ever challenged, the assessment would be upheld.

However, a review of case law has uncovered at least one Oregon case that has invalidated assessments based on a finding that the assessed properties were not specially benefited. In *Sisters of St. Mary, Inc. v. City of Beaverton*, the Oregon Court of Appeals held, without analyzing the issue in depth, that the cost of installing a railroad gate crossing signal could not be assessed to property owners as part of the cost of street improvements because the signal "was of no more benefit to [the] plaintiffs' property than it was to the balance of the city." 4 Or. App. 297, 298, 478 P.2d 412, 413 (1970). But the *Beaverton* case did not involve recreational facilities and provided little analysis to support its conclusion, so its applicability to the Keizer Station - Village Center improvements is questionable.

This analysis is based on a preliminary understanding of the Keizer Station - Village Center plan and may need to be amended after further research is conducted and additional information is obtained from the Corporation.

Financing Improvements Through the Issuance of Tax-Exempt Debt

If the City formed a local improvement district to finance construction of the recreational facilities as part of the Keizer Station - Village Center development, owners of the assessed properties would be given the option to pay the final assessment in installments over a period of years. ORS 223.210. The City could then pass an authorizing resolution and issue tax-exempt debt secured by and payable from the installment payments to be made by owners of the assessed properties. *Id.* § 223.235(1), (5)(a).

August 16, 2002

Mr. Chris Eppley
~~Ms. Maria Meier~~
City of Keizer
930 Chemawa Rd
Keizer OR 97307

SUBJECT: Response to DLCD Letter dated August 12, 2002

Dear Chris and Maria:

I was disappointed to read DLCD's response to analyses my firm has completed for Keizer's City Council, specifically Appendices 89 through 99. None of the assertions made with respect to our work are correct. Apparently the author misunderstood these analyses. Moreover, he incorrectly uses statistics to try and discredit our work. Several examples include:

- The assertion that a sales tax is factored into our analysis. At no time are sales taxes used to quantify the benefits of the KSP. Sales taxes are mentioned along with property taxes in a general discussion, not in specific connection to the KSP, Keizer or Oregon; a fact that the author should have recognized.
- The assertion that our Goal 10 analysis did not consider age and income. Our analysis did. In fact, it is impossible to run the State's Housing Model without these inputs.
- The assertion that most, if not all, retail categories can be located within the City's existing inventory of vacant and underutilized land. Our analysis clearly shows that the existing inventory is not adequate.
- The assertion that a 0.25 FAR is too low. A 0.25 FAR is the industry standard that assumes greater development densities than the lower FARs which are often used to develop retail in locations like Keizer.

Be assured that the analyses completed by our firm are technically correct, as verified by the firm the City of Keizer hired to audit our work. Unfortunately, the information submitted by DLCD in the July 31 letter will not help the City Council make an informed decision because it is incorrect and misleading.

Please call me if you have any questions.

Sincerely,


Steve Ferrarini
Principal

WENDIE L. KELLINGTON
ATTORNEY AT LAW P.C.

PO BOX 1930
LAKE OSWEGO, OR
97035

PHONE (503) 624-7790
MOBILE (503) 804-0535
FACSIMILE (503) 620-5562
EMAIL: W.KELLINGTON@VERIZON.NET

October 4, 2002

Maria Meier
City of Keizer
Planning Director
PO Box 21000
Keizer, Or 97307-1000

RE: Hobson Ferrarini Confirmation/Scope of Changes

Dear Maria:

The attached is from Hobson Ferrarini regarding (1) the continuing viability of their work (which they confirm), and (2) the differences between the SRA/Planning Commission decision and the Council decision that could cause concern that there may be some affect on the analysis. While there is a difference, the square footage limitation ensures that the fundamental assumptions for key analyses remain the same. These attachments are not in final form for the record, but they do supply the assurance that we are on the right track. I felt they would be helpful for you in your work, so I wanted to pass them along right away.

If you require anything more, please feel free to call. Thank you.

Very truly yours,


Wendie L. Kellington

WLK:wlk

CC: Shannon Johnson (all w/ enclosures)
Bob Thompson
Alan Roodhouse
Steve Ferrarini
Frank Angelo
Chris Stanley
Charlie Matschek

**HOBSON
FERRARINI**
ASSOCIATES
LAND USE ECONOMICS

Date October 4, 2002

Job Number: _____

Time: 10:07 AM

Client: _____

To: Wendie Kellington

Fax 503-620-5562

From: Steve Ferrarini

Number of Pages: 2
(including transmittal form)

Additional Messages

Wendie,

In response to your questions regarding the changes in the EG zone. In summary:

- The Industrial Park portion (25% of EG at a minimum) permitted uses have been changed to allow office and retail. Previously, no retail was allowed in the Industrial Park portion and only 10% Office could occupy the Industrial Area in the EG zone.
- The permitted uses in the EG zone on a maximum of 75% of the area have always included office and retail. This has not changed.
- The 800,000 square feet floor area limitation is for retail uses only. (In other words, they could build as much office as they want.)
- Therefore, with the scenario in the memo, assuming they build all the retail they could with a .25 floor-area-ratio, it would occupy 73.5 acres.
- Our previous analysis assumed that on the 95 acre site, only 75% (or 71.25 acres) could be built with commercial uses (i.e. retail or office).

Fundamentally, the only big change is that retail is now allowed in the Industrial Park portion of the EG zone, but is still limited through the 800,000 SF total floor area of retail limitation.

If a problem in transmission occurs, please call 503/226-6616
Our FAX number is 503/223-3522

HOBSON FERRARINI ASSOCIATES

DATE: October 3, 2002

TO: Wendie Kellington

FROM: Steve Ferrarini
HOBSON FERRARINI ASSOCIATES

SUBJECT: Keizer Text Amendments

The suggested zoning changes to the new Employment General (EG) zoning district will have no effect on the fundamentals of the land supply analysis performed by Hobson Ferrarini Associates in the Goal 9 Economic Opportunities Analysis.

- The EG zone still mandates that uses shall be developed as a maximum 75% commercial and a minimum 25% industrial park.
- Our analysis assumed that of the 95-acres zoned EG, 23.75-acres (25%) were inventoried as Industrial Land, and 71.25-acres (75%) were Commercial Land. This has not changed.
- The changes to the text affect the uses allowed in the EG zone.
- Permitted Industrial Park uses now include: Office and Retail
 - Previously, retail was not permitted in the industrial park area and office uses could occupy only up to 10% of the industrial park area.
- Permitted Commercial uses still include Office and Retail. This has not changed.
- There is an 800,000 square foot floor area limitation on retail uses in the EG zoned area. A scenario with full retail build out in the EG zone would result in:

$$\begin{aligned}
 &800,000 \text{ SF floor area retail} \\
 &\div .25 \text{ FAR} \\
 &= 3,200,000 \text{ SF} \\
 &+ 43,560 \text{ SF} \\
 &= 73.5 \text{ acres of maximum retail in EG, which is only} \\
 &2.25 \text{ acres more than the 71.25 acres of maximum} \\
 &\text{commercial in the EG zone assumed in the analysis.}
 \end{aligned}$$
- Our Goal 9 analysis showed a 7.8 acre deficit of Commercial land in the 20-year land forecast. Under the scenario above, that deficit would be 5.55 acres.
- Conversely, the entire site could develop as 100% industrial park.
- The Goal 9 EOA analysis categorized Industrial and Commercial Land Supply by Zone, not by allowed use in the zone. It is not possible, nor is it customary within the industry to forecast by use because of the inherent flexibility in most zones. (i.e. commercial developments exist in industrial zones and vice versa)



City of Keizer

EXHIBIT "A-117"

Phone: (503) 390-3700 • Fax: (503) 393-9437

930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

Administration • Public Works • Community Development • Municipal Court • Police (business only) Phone 503.390.3713 Fax 503.390.8295

September 9, 2002

Vickie Hardin Woods
Community Development Director
City of Salem
City Hall
555 Liberty Street, SE
Salem, OR 97301

Dear Vickie:

I have been directed by the Keizer City Council to respond in writing to the Section titled ***Intergovernmental Agreements*** in the Salem Futures Draft Implementation Strategy as presented to the Salem Futures CAC on August 26th, 2002. The specific wording that is of concern to Keizer is on Page-30 of that document and reads as follows:

Review existing agreements between the Marion and Polk counties, Keizer and MWVCOG to ensure consistency with Salem Futures.

Keizer is an autonomous community with an independent comprehensive plan and no outstanding periodic review orders. Keizer is not required to enter into periodic review again with the State until 2005, at which time, we will likely engage in a significant planning project to address the VMT requirements within the TPR along with other issues.

Keizer acknowledges the benefits of coordinating with our regional partners on various projects and therefore has participated in the Salem Futures project. Additionally, Keizer will continue to participate to the best of our ability in Salem Futures and other regional projects as they arise. Keizer's participation in Salem Futures has, however, been advisory only to Salem. This participation is in no way intended to suggest that Salem has any veto power over Keizer's ability to plan within Keizer's jurisdictional boundaries, in the Chemawa Activity Center planning area or any other area in any document or planning process. The only Keizer planning actions that require Salem's concurrence are outlined in the Keizer Comprehensive Plan. Keizer's participation in Salem Futures does not alter that grouping of specific circumstances and is not listed as one of them.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2001-1267

3 INITIATING LEGISLATIVE AMENDMENTS TO THE
4 KEIZER COMPREHENSIVE PLAN, KEIZER
5 DEVELOPMENT CODE REGARDING THE CHEMAWA
6 ACTIVITY CENTER (1997) - FULL REVIEW 2001

7 WHEREAS, the Chemawa Activity Center Design Plan was adopted in 1997 to
8 guide development in the Activity Center Area designated in the Keizer Comprehensive
9 Plan;

10 WHEREAS, the City of Keizer and the Urban Renewal Agency of Keizer has
11 entered into a non-exclusive predevelopment agreement with Northwest National LLC
12 with regard to development in and around the Chemawa Activity Center;

13 WHEREAS, among the terms of such Agreement is the obligation on behalf of
14 the City to consider amendments to the Chemawa Activity Center Plan including
15 consideration of an expansion of the commercially zoned area within such Activity
16 Center;

17 WHEREAS, the Keizer Development Code allows the City Council to initiate
18 legislative amendments to the Keizer Comprehensive Plan and Keizer Development
19 Code;

20 NOW, THEREFORE,

FMAGIC

1 BE IT RESOLVED that the City Council of the City of Keizer hereby initiates
2 a legislative review and amendment process for the Chemawa Activity Center Design
3 Plan (1997), and appropriate or necessary amendments to the Keizer Comprehensive
4 Plan and the Keizer Development Code;

5 BE IT FURTHER RESOLVED that the following amendments shall be
6 considered:

7 1) Revision of the amount of commercially-zoned acreage and other zones
8 for Activity Centers to reflect current commercial and industrial inventories.

9 2) Addition of a new land use review process to review master plan adoption
10 with staff recommendation and direct City Council hearing.

11 3) Review and adoption of a possible new zoning chapter "Special Planning
12 District" or such similar district to implement the Chemawa Activity Center Plan.

13 4) Adoption of new concept/design plan to amend or replace the 1997
14 Chemawa Activity Center Plan.

15 5) Various Comprehensive Plan text amendments and map redesignations and
16 rezones for areas in the Chemawa Activity Center.

17 Review, revision and possible amendments or adoptions of new Comprehensive Plan and
18 Development Code provisions are not limited to the above referenced items.

19 ///

20 ///

21 ///

DLCD NOTICE OF PROPOSED AMENDMENT

This form must be received by DLCD at least 45 days prior to the first evidentiary hearing
 per ORS 197.610, OAR Chapter 660 - Division 18
 and Senate Bill 543 and effective on June 30, 1999.
 (See reverse side for submittal requirements)

Jurisdiction: City of KeizerLocal File No.: 01-50

(If no number, use none)

Date of First Evidentiary Hearing: 12/12/01
(Must be filled in)Date of Final Hearing: 02/04/02
(Must be filled in)Date this proposal was sent or mailed: 10/01/01
(Date mailed or sent to DLCD)Has this proposal previously been submitted to DLCD? Yes: No: X Date: X Comprehensive Plan Text AmendmentX Comprehensive Plan Map AmendmentX Land Use Regulation AmendmentX Zoning Map AmendmentX New Land Use RegulationOther:

(Please Specify Type of Action)

Briefly summarize the proposal. Do not use technical terms. Do not write "See Attached."

Legislative Amendment to amend both text and map of the Keizer Comprehensive Plan
and Keizer Land Development Code. Current Chemawa Activity Center Plan proposed
to be amended to "Keizer Station Plan".

Campus Light Industrial to Commercial (100 ac); Civic to Campus Light
 Industrial (41 ac); Mixed Use to Commercial (1.5 ac); Commercial and
 Plan Map Changed from Civic to Campus Light Industrial (15 ac); Campus Light Industrial to
General Industrial (30 ac).
 Zone Map Changed from: IBP to CM (76 ac); IBP to CR (24 ac); CO to CM (11 ac); CO to CR (1.5 ac)
IBP to IG (30 ac); MU to CR (1.5 ac); P & CM to IBP (15 ac); P to IBP (41 ac).
 Location: Intersection of Chemawa Road & I-5 Acres Involved: Appx. 240 ac

Specified Change in Density: Current: No Change Proposed: Applicable Statewide Planning Goals: 1,2,6,8,9,10,11,12Is an Exception Proposed? Yes: No: XAffected State or Federal Agencies, Local Governments or Special Districts: City of Salem,County of Marion, County of Polk, DLCD, ODOT, Salem Area TransitLocal Contact: Maria Meier, Planning Director Area Code + Phone Number: (503) 390-3700 ext. 159Address: P.O. Box 21000City: Keizer Zip Code + 4: 97307-1000

DLCD No: Reference for above: IBP - Industrial Business Park; CM - commercial
 Mixed; CR - Commercial Retail; CO - Commercial Office; IG - Industrial
 General; MU - Mixed Use; P - Public
 *Each Zone is further described in the V.L.R.



City of Keizer

EXHIBIT "A-120"

Phone: (503) 390-3700 • Fax: (503) 393-9437

930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

Administration • Public Works • Community Development • Municipal Court • Police (business only) Phone 503.390.3713 Fax 503.390.8295

October 1, 2001

Oregon Department of Land Conservation & Development
Plan Amendment Specialist
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540

Re: Proposed Text and Map Amendments to Keizer Development Code & Comprehensive Plan –
Proposed "Keizer Station Plan" (Amendment to Chemawa Activity Center)

Dear Plan Amendment Specialist:

On May 21, 2001, the Keizer City Council passed Resolution R2001-1267 initiating legislative amendments to the Keizer Comprehensive Plan and Keizer Development Code regarding the Chemawa Activity Center Plan (1997) – Full Review. Please find attached a copy of the proposed Keizer Station Plan. The document includes the following chapters: Background, Keizer Station Plan, Transportation System Analysis, Economic Analysis, Public Facilities Analysis, Plan Amendment/Zone Change Findings, Figures & Appendices. Also please find a copy of the DLCD Notice of Proposed Amendment form. This form and letter is to notify the Department of Land Conservation and Development has 45 days from the date of this letter to submit comments to the City of Keizer Community Development Department for consideration in preparation of the recommendation to the City of Keizer Planning Commission. The first public hearing on this matter will be conducted on December 12, 2001 at 7 p.m. in the Keizer City Council Chambers.

Mark Radabaugh, Willamette Valley Urban Representative, has been working directly with City staff on this application. Please forward copies of all materials enclosed in this notice to Mark for further attention. The materials have specifically been sent to the Plan Amendment Specialist due to procedure requirements as stated on the form. Thank you.

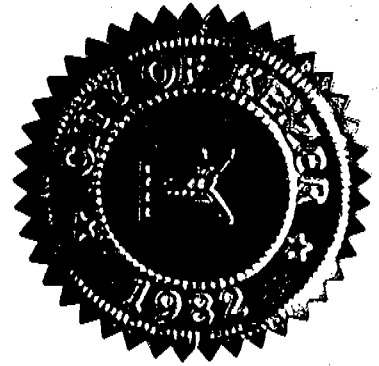
Sincerely,

Maria Meier
Planning Director

Enc.

CERTIFICATE OF HAND DELIVERY

State of Oregon)
County of Marion) ss.
City of Keizer)



I, Shane Witham, hereby certify that I hand delivered a true and correct copy of the attached Notice of Proposed Amendment, **In the matter of the public notice for Comprehensive Plan Map & Text Amendment/Zone Change to Map and Text Amendment to the Keizer Development Code** to those persons at the addresses shown below. Said notices were hand delivered and stamped received this 1st day of October, 2001.


Shane Witham

Code Enforcement Officer/Zoning Technician

EXHIBIT "A-121"

Salem Community Development Dept.
Bill Healy, Community Dev. Director
555 Liberty Street SE Room 305
Salem, Oregon 97301

County of Marion
Community Development Dept.
Craig Luedeman, Com. Dev. Director
555 Court St. NE/P.O. Box 14500
Salem, Oregon 97309

County of Polk
Community Development Dept.
Gene Clemens, Com. Dev. Director
850 Main Street
Dallas, Oregon 97338

Oregon Dept. of Transportation
Dave Bishop, Region 2 Area Mgr.
455 Airport Road SE, Bldg. A
Salem, OR 97301-5397

Salem Area Transit
Attn: John Whittington
Transit Development Director
555 Court Street NE, Suite 5230
Salem, Oregon 97301

City of Woodburn
Community Development Dept.
Jim Mulder, C.D. Director
270 Montgomery St.
Woodburn, Oregon 97071

Oregon Department of Land Conservation & Development
Plan Amendment Specialist
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540

RECEIPT OF HAND DELIVERY

Salem Community Development Dept. *SS 10-1-01*
Bill Healy, Community Dev. Director
555 Liberty Street SE Room 305
Salem, Oregon 97301

Salem Area Transit *SW 10-1-01*
Attn: John Whittington
Transit Development Director
555 Court Street NE, Suite 5230
Salem, Oregon 97301

County of Marion
Community Development Dept.
Craig Luedeman, Com. Dev. Director
555 Court St. NE/P.O. Box 14500 *PL 10-1-01*
Salem, Oregon 97309

Oregon Department of Land Conservation & Development
Plan Amendment Specialist
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540

Oregon Dept. of Transportation
Dave Bishop, Region 2 Area Mgr.
455 Airport Road SE, Bldg. A
Salem, OR 97301-5397 *un*

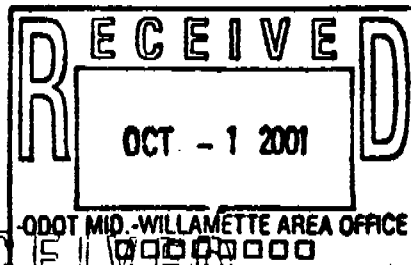
County of Polk
Community Development Dept.
Gene Clemens, Com. Dev. Director
850 Main Street
Dallas, Oregon 97338

City of Woodburn
Community Development Dept.
Jim Mulder, C.D. Director
270 Montgomery St.
Woodburn, Oregon 97071

DEPT OF

ms
OCT 01 2001

LAND CONSERVATION
AND DEVELOPMENT



RECEIVED
OCT 01 2001
POLK COUNTY
COMMUNITY DEVELOPMENT

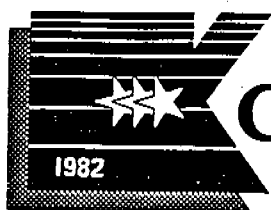
☆ REC'D ☆

OCT 01 2001

WOODBURN COMMUNITY
DEVELOPMENT DEPT. *SD*

I, Shane Witham, hereby certify that I hand delivered a true and correct copy of the attached Notice of Proposed Amendment, In the matter of the public notice for Comprehensive Plan Map & Text Amendment/Zone Change to Map and Text Amendment to the Keizer Development Code to those persons at the addresses shown above. Said notices were hand delivered and stamped received this 1st day of October, 2001.

Shane Witham
Shane Witham
Code Enforcement Officer/Zoning Technician



City of Keizer

Phone: (503) 390-3700 • Fax: (503) 393-9437
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

Administration • Public Works • Community Development • Municipal Court • Police (business only) Phone 503.390.3713 Fax 503.390.8295

October 1, 2001

County of Polk
Community Development Department
Gene Clemens, Community Development Director
850 Main Street
Dallas, Oregon 97338

Re: Proposed Text and Map Amendments to Keizer Development Code & Comprehensive Plan –
Proposed "Keizer Station Plan" (Amendment to Chemawa Activity Center)

Dear Gene:

On May 21, 2001, the Keizer City Council passed Resolution R2001-1267 initiating legislative amendments to the Keizer Comprehensive Plan and Keizer Development Code regarding the Chemawa Activity Center Plan (1997) – Full Review. Please find attached a copy of the proposed Keizer Station Plan. The document includes the following chapters: Background, Keizer Station Plan, Transportation System Analysis, Economic Analysis, Public Facilities Analysis, Plan Amendment/Zone Change Findings, Figures & Appendices. Also please find a copy of the DLCD Notice of Proposed Amendment form. This form and letter is to notify the County of Polk has 45 days from the date of this letter to submit comments to the City of Keizer Community Development Department for consideration in preparation of the recommendation to the City of Keizer Planning Commission. The first public hearing on this matter will be conducted on December 12, 2001 at 7 p.m. in the Keizer City Council Chambers.

In an effort to coordinate and to comply with Statewide Planning Goal 2: Land Use Planning, the City of Keizer invites your full participation in this planning process. If you have any questions or comments for the City of Keizer regarding this proposal, please contact me at (503) 390-3700. You may mail comments for the record to the City of Keizer, Community Development Department, P.O. Box 21000, Keizer, Oregon, 97307-1000. Thank you.

Sincerely,

Maria Meier
Planning Director

Enc.

Cc: Mark Radabaugh, Willamette Valley Urban Representative



City of Keizer

EXHIBIT "A-123"

Phone: (503) 390-3700 • Fax: (503) 393-9437
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

Administration • Public Works • Community Development • Municipal Court • Police (business only) Phone 503.390.3713 Fax 503.390.8295

October 1, 2001

County of Marion
Community Development Dept.
Craig Luedeman, Community Development Director
555 Court St. NE/P.O. Box 14500
Salem, Oregon 97309

Re: Proposed Text and Map Amendments to Keizer Development Code & Comprehensive Plan –
Proposed "Keizer Station Plan" (Amendment to Chemawa Activity Center)

Dear Craig:

On May 21, 2001, the Keizer City Council passed Resolution R2001-1267 initiating legislative amendments to the Keizer Comprehensive Plan and Keizer Development Code regarding the Chemawa Activity Center Plan (1997) – Full Review. Please find attached a copy of the proposed Keizer Station Plan. The document includes the following chapters: Background, Keizer Station Plan, Transportation System Analysis, Economic Analysis, Public Facilities Analysis, Plan Amendment/Zone Change Findings, Figures & Appendices. Also please find a copy of the DLCD Notice of Proposed Amendment form. This form and letter is to notify the County of Marion has 45 days from the date of this letter to submit comments to the City of Keizer Community Development Department for consideration in preparation of the recommendation to the City of Keizer Planning Commission. The first public hearing on this matter will be conducted on December 12, 2001 at 7 p.m. in the Keizer City Council Chambers.

In an effort to coordinate and to comply with Statewide Planning Goal 2: Land Use Planning, the City of Keizer invites your full participation in this planning process. Our City planning team would like to meet with you to discuss the proposal and answer any questions you may have about the materials sent to you. Others that will likely attend this meeting will be Keith Liden, Planning Consultant for Keizer; Frank Angelo, Planner representing Developer; and Charles Matschek, Project Manager. If possible, we would appreciate an opportunity to meet with you during the week of October 15th. I will call you this week to coordinate a time to meet.

Sincerely,

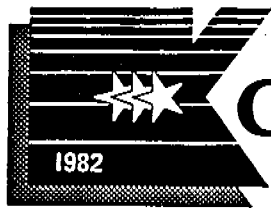
Maria Meier
Planning Director

Enc.

Cc: Mark Radabaugh, Willamette Valley Urban Representative

"Pride, Spirit and Volunteerism"

Incorporated 1982



City of Keizer

EXHIBIT "A-124"

Phone: (503) 390-3700 • Fax: (503) 393-9437

930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

Administration • Public Works • Community Development • Municipal Court • Police (business only) Phone 503.390.3713 Fax 503.390.8295

October 1, 2001

Oregon Dept. of Transportation
Dave Bishop, Region 2 Area Mgr.
455 Airport Road SE, Bldg. A
Salem, OR 97301-5397

Re: Proposed Text and Map Amendments to Keizer Development Code & Comprehensive Plan –
Proposed "Keizer Station Plan" (Amendment to Chemawa Activity Center)

Dear Dave:

On May 21, 2001, the Keizer City Council passed Resolution R2001-1267 initiating legislative amendments to the Keizer Comprehensive Plan and Keizer Development Code regarding the Chemawa Activity Center Plan (1997) – Full Review. Please find attached a copy of the proposed Keizer Station Plan. The document includes the following chapters: Background, Keizer Station Plan, Transportation System Analysis, Economic Analysis, Public Facilities Analysis, Plan Amendment/Zone Change Findings, Figures & Appendices. Also please find a copy of the DLCD Notice of Proposed Amendment form. This form and letter is to notify the Oregon Department of Transportation has 45 days from the date of this letter to submit comments to the City of Keizer Community Development Department for consideration in preparation of the recommendation to the City of Keizer Planning Commission. The first public hearing on this matter will be conducted on December 12, 2001 at 7 p.m. in the Keizer City Council Chambers.

In an effort to coordinate and to comply with Statewide Planning Goal 2: Land Use Planning, the City of Keizer invites your full participation in this planning process. If you have any questions or comments for the City of Keizer regarding this proposal, please contact me at (503) 390-3700. You may mail comments for the record to the City of Keizer, Community Development Department, P.O. Box 21000, Keizer, Oregon, 97307-1000. Thank you.

Sincerely,

Maria Meier
Planning Director

Enc.

Cc: Mark Radabaugh, Willamette Valley Urban Representative



City of Keizer

EXHIBIT "A-125"

Phone: (503) 390-3700 • Fax: (503) 393-9437
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

Administration • Public Works • Community Development • Municipal Court • Police (business only) Phone 503.390.3713 Fax 503.390.8295

October 1, 2001

Salem Area Transit
Attn: John Whittington
Transit Development Director
555 Court Street NE, Suite 5230
Salem, Oregon 97301

Re: Proposed Text and Map Amendments to Keizer Development Code & Comprehensive Plan –
Proposed "Keizer Station Plan" (Amendment to Chemawa Activity Center)

Dear John:

On May 21, 2001, the Keizer City Council passed Resolution R2001-1267 initiating legislative amendments to the Keizer Comprehensive Plan and Keizer Development Code regarding the Chemawa Activity Center Plan (1997) – Full Review. Please find attached a copy of the proposed Keizer Station Plan. The document includes the following chapters: Background, Keizer Station Plan, Transportation System Analysis, Economic Analysis, Public Facilities Analysis, Plan Amendment/Zone Change Findings, Figures & Appendices. Also please find a copy of the DLCD Notice of Proposed Amendment form. This form and letter is to notify Salem Area Transit has 45 days from the date of this letter to submit comments to the City of Keizer Community Development Department for consideration in preparation of the recommendation to the City of Keizer Planning Commission. The first public hearing on this matter will be conducted on December 12, 2001 at 7 p.m. in the Keizer City Council Chambers.

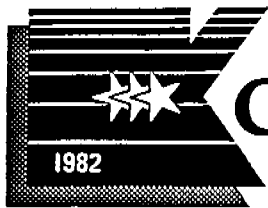
In an effort to coordinate and to comply with Statewide Planning Goal 2: Land Use Planning, the City of Keizer invites your full participation in this planning process. If you have any questions or comments for the City of Keizer regarding this proposal, please contact me at (503) 390-3700. You may mail comments for the record to the City of Keizer, Community Development Department, P.O. Box 21000, Keizer, Oregon, 97307-1000. Thank you.

Sincerely,

Maria Meier
Planning Director

Enc.

Cc: Mark Radabaugh, Willamette Valley Urban Representative



City of Keizer

EXHIBIT "A-126"

Phone: (503) 390-3700 • Fax: (503) 393-9437
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

Administration • Public Works • Community Development • Municipal Court • Police (business only) Phone 503.390.3713 Fax 503.390.8295

October 1, 2001

City of Woodburn
Community Development Dept.
Jim Mulder, Community Development Director
270 Montgomery St.
Woodburn, Oregon 97071

Re: Proposed Text and Map Amendments to Keizer Development Code & Comprehensive Plan –
Proposed "Keizer Station Plan" (Amendment to Chemawa Activity Center)

Dear Jim:

On May 21, 2001, the Keizer City Council passed Resolution R2001-1267 initiating legislative amendments to the Keizer Comprehensive Plan and Keizer Development Code regarding the Chemawa Activity Center Plan (1997) – Full Review. Please find attached a copy of the proposed Keizer Station Plan. The document includes the following chapters: Background, Keizer Station Plan, Transportation System Analysis, Economic Analysis, Public Facilities Analysis, Plan Amendment/Zone Change Findings, Figures & Appendices. Also please find a copy of the DLCD Notice of Proposed Amendment form. This form and letter is to notify the City of Woodburn has 45 days from the date of this letter to submit comments to the City of Keizer Community Development Department for consideration in preparation of the recommendation to the City of Keizer Planning Commission. The first public hearing on this matter will be conducted on December 12, 2001 at 7 p.m. in the Keizer City Council Chambers.

In an effort to coordinate and to comply with Statewide Planning Goal 2: Land Use Planning, the City of Keizer invites your full participation in this planning process. If you have any questions or comments for the City of Keizer regarding this proposal, please contact me at (503) 390-3700. You may mail comments for the record to the City of Keizer, Community Development Department, P.O. Box 21000, Keizer, Oregon, 97307-1000. Thank you.

Sincerely,

Maria Meier
Planning Director

Enc.

Cc: Mark Radabaugh, Willamette Valley Urban Representative



City of Keizer

EXHIBIT "A-127"

Phone: (503) 390-3700 • Fax: (503) 393-9437
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

Administration • Public Works • Community Development • Municipal Court • Police (business only) Phone 503.390.3713 Fax 503.390.8295

October 1, 2001

Salem Community Development Department
Bill Healy, Community Development Director
555 Liberty Street SE Room 305
Salem, Oregon 97301

Re: Proposed Text and Map Amendments to Keizer Development Code & Comprehensive Plan –
Proposed "Keizer Station Plan" (Amendment to Chemawa Activity Center)

Dear Bill:

On May 21, 2001, the Keizer City Council passed Resolution R2001-1267 initiating legislative amendments to the Keizer Comprehensive Plan and Keizer Development Code regarding the Chemawa Activity Center Plan (1997) – Full Review. Please find attached a copy of the proposed Keizer Station Plan. The document includes the following chapters: Background, Keizer Station Plan, Transportation System Analysis, Economic Analysis, Public Facilities Analysis, Plan Amendment/Zone Change Findings, Figures & Appendices. Also please find a copy of the DLCD Notice of Proposed Amendment form. This form and letter is to notify the City of Salem has 45 days from the date of this letter to submit comments to the City of Keizer Community Development Department for consideration in preparation of the recommendation to the City of Keizer Planning Commission. The first public hearing on this matter will be conducted on December 12, 2001 at 7 p.m. in the Keizer City Council Chambers.

In an effort to coordinate and to comply with Statewide Planning Goal 2: Land Use Planning, the City of Keizer invites your full participation in this planning process. Our City planning team would like to meet with you to discuss the proposal and answer any questions you may have about the materials sent to you. Others that will likely attend this meeting will be Keith Liden, Planning Consultant for Keizer; Frank Angelo, Planner representing Developer; and Charles Matschek, Project Manager. If possible, we would appreciate an opportunity to meet with you during the week of October 15th. I will call you this week to coordinate a time to meet.

Sincerely,

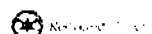
Maria Meier
Planning Director

Enc.

Cc: Mark Radabaugh, Willamette Valley Urban Representative

"Pride. Spirit and Volunteerism"

Incorporated 1982



**AFFIDAVIT OF PUBLICATION
STATE OF OREGON, COUNTY OF MARION, SS:**

I, Scotta Callister, being first duly sworn, depose and say that I am a Publisher of the Keizertimes, a newspaper of general circulation as defined by Section 58, Oregon Laws, as amended by Chapter 445 General Laws of Oregon, 1929, printed and published in Keizer, in aforesaid county and state; that the Notice - Keizer Station Plan Hearing, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for One (1) successive and consecutive week(s) in the following issue(s): November 23, 2001.

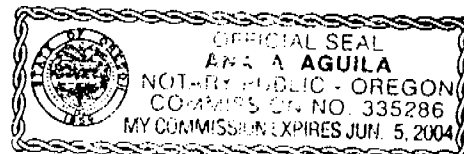
EXHIBIT "A-128"

Subscribed and Sworn to before me this
23rd day of November, 2001

Scotta Callister
Scotta Callister

Ara A. Aguila
Notary Public for Oregon, Marion County

June 5, 2004
My Commission Expires



RECEIVED
NOV 28 2001
CITY OF KEIZER
OREGON 97303

**KEIZER COMMUNITY DEVELOPMENT DEPARTMENT
NOTICE OF PUBLIC HEARING
BEFORE THE KEIZER
PLANNING COMMISSION
AMENDMENT TO THE CHEMAWA
ACTIVITY CENTER PLAN
PROPOSED KEIZER STATION
PLAN
COMPREHENSIVE PLAN MAP &
TEXT AMENDMENT/ZONE
CHANGE AND DEVELOPMENT
CODE TEXT AMENDMENT CASE
NO. 01-50**

PURPOSE OF THE HEARING:

The Keizer Planning Commission is conducting a public hearing on amending the Chemawa Activity Center Plan, Keizer Comprehensive Plan map and text, zone change and appropriate amendments to the Keizer Development Code. The Keizer Station Plan is proposed to replace the Chemawa Activity Center Plan. Possible amendments are not limited to the above issues. Proposed amendments may affect the allowed uses by adding, subtracting or redistributing the uses in the Chemawa Activity Center Area. Additional acreage may be designated Commercial. Development or design standards may be required and the process for adopting area or sub-area master plans may be modified. Please refer to the draft Keizer Station Plan and the Keizer Planning Department for additional information. However, please note that any final amendments that may be adopted may differ substantially from the draft Keizer Station Plan.

DATE AND TIME OF HEARING:
Wednesday, December 11, 2001;
7:00pm.

LOCATION OF HEARING: Keizer

City Council Chambers, Keizer City Hall, 930 Chemawa Road N.E., Keizer.

HOW TO PARTICIPATE: Anyone desiring to speak for or against the proposal may do so in person, or by representative, at the public hearing; or, may submit written comments with the Keizer Community Development Department prior to the public hearing.

LAND USE DECISION CRITERIA:

The criteria upon which the decision on this application will be based include the following:

I. Comprehensive Plan Map Amendments - Keizer Development Code Section 3.109.3

II. Zone CHange - Keizer Development Code Section 3.110.03

III. Text Amendments - Keizer Development Code Section 3.111.03

IV. Statewide Goals and Administrative Rules

Questions regarding this proposed amendment can be directed to the following:

Keizer Community Development Department

930 Chemawa Road N.E.

Keizer, Oregon 97303

Phone: 390-3700.

DATED this November 16, 2001.

UPON REQUEST, AUXILIARY AIDS AND/OR SPECIAL SERVICES WILL BE PROVIDED TO PARTICIPANTS WITH DISABILITIES. TO REQUEST SERVICES, PLEASE CONTACT CITY HALL AT 390-3700, OR TDD ACCESS AT 1-800-735-2900, AT LEAST TWO WORKING DAYS (48 HOURS) IN ADVANCE OF THE HEARING.

**KEIZER COMMUNITY DEVELOPMENT DEPARTMENT
NOTICE OF PUBLIC HEARING
BEFORE THE KEIZER PLANNING COMMISSION**

**AMENDMENT TO CHEMAWA ACTIVITY CENTER PLAN
PROPOSED KEIZER STATION PLAN
COMPREHENSIVE PLAN MAP & TEXT AMENDMENT/ZONE CHANGE AND
DEVELOPMENT CODE TEXT AMENDMENT CASE NO. 01-50**

PURPOSE OF HEARING: The Keizer Planning Commission is conducting a public hearing on amending the Chemawa Activity Center Plan, Keizer Comprehensive Plan map and text, zone change and appropriate amendments to the Keizer Development Code. The Keizer Station Plan is proposed to replace the Chemawa Activity Center Plan. Possible amendments are not limited to the above issues. Proposed amendments may affect the allowed uses by adding, subtracting or redistributing the uses in the Chemawa Activity Center Area. Additional acreage may be designated Commercial. Development or design standards may be required and the process for adopting area or sub-area master plans may be modified. Please refer to the draft Keizer Station Plan and the Keizer Planning Department for additional information. However, please note that any final amendments that may be adopted may differ substantially from the draft Keizer Station Plan.

DATE AND TIME OF HEARING: Wednesday, December 12, 2001; 7:00pm.

LOCATION OF HEARING: Keizer City Council Chambers, Keizer City Hall, 930 Chemawa Road NE, Keizer.

HOW TO PARTICIPATE: Anyone desiring to speak for or against the proposal may do so in person, or by representative, at the public hearing; or, may submit written comments with the Keizer Community Development Department prior to the public hearing.

LAND USE DECISION CRITERIA: The criteria upon which the decision on this application will be based include the following:

- I. Comprehensive Plan Map Amendments – Keizer Development Code Section 3.109.03
- II. Zone Change – Keizer Development Code Section 3.110.03
- III. Text Amendments – Keizer Development Code Section 3.111.03
- IV. Statewide Goals and Administrative Rules

Questions regarding this proposed amendment can be directed to the following:

Keizer Community Development Department
930 Chemawa Road NE
Keizer, Oregon 97303
Phone: 390-3700

DATED this November 16, 2001.

UPON REQUEST, AUXILIARY AIDS AND/OR SPECIAL SERVICES WILL BE PROVIDED TO PARTICIPANTS WITH DISABILITIES. TO REQUEST SERVICES, PLEASE CONTACT CITY HALL AT 390-3700, OR TDD ACCESS AT 1-800-735-2900, AT LEAST TWO WORKING DAYS (48 HOURS) IN ADVANCE OF THE HEARING.

THIS IS TO NOTIFY YOU THAT THE CITY OF KEIZER HAS PROPOSED A LAND USE REGULATION THAT WILL AFFECT THE PERMISSIBLE USES OF YOUR LAND.

**KEIZER COMMUNITY DEVELOPMENT DEPARTMENT
NOTICE OF PUBLIC HEARING
BEFORE THE KEIZER PLANNING COMMISSION**

**AMENDMENT TO CHEMAWA ACTIVITY CENTER PLAN
PROPOSED KEIZER STATION PLAN
COMPREHENSIVE PLAN MAP & TEXT AMENDMENT/ZONE CHANGE AND
DEVELOPMENT CODE TEXT AMENDMENT CASE NO. 01-50**

On December 12, 2001 the Keizer Planning Commission will hold a public hearing regarding the adoption of an unnumbered Ordinance. The City of Keizer has determined that the adoption of this ordinance will affect the permissible uses of your property and may reduce the value of your property.

Such Ordinance is available for inspection at the Keizer City Hall, 930 Chemawa Road N.E., Keizer, Oregon 97303. A copy of the Ordinance is also available for purchase at a cost of \$.10 per page.

For additional information concerning this Ordinance, you may call the Keizer Community Development Department at (503) 390-3700.

The above bold faced language is required under Ballot Measure 56. However, the City of Keizer has not determined whether or not any proposed ordinance might affect the value of your particular property. In addition, any draft ordinance that may be available is not complete, because the public hearing process needs to move forward before the Planning Commission and City Council can draft such ordinance. The Language of Ballot Measure 56 requires notification regarding the ordinance as set forth above.

PURPOSE OF HEARING: The Keizer Planning Commission is conducting a public hearing on amending the Chemawa Activity Center Plan, Keizer Comprehensive Plan map and text, zone change and appropriate amendments to the Keizer Development Code. The Keizer Station Plan is proposed to replace the Chemawa Activity Center Plan. Possible amendments are not limited to the above issues. Proposed amendments may affect the allowed uses by adding, subtracting or redistributing the uses in the Chemawa Activity Center Area. Additional acreage may be designated Commercial. Development or design standards may be required and the process for adopting area or sub-area master plans may be modified. Please refer to the draft Keizer Station Plan and the Keizer Planning Department for additional information. However, please note that any final amendments that may be adopted may differ substantially from the draft Keizer Station Plan.

DATE AND TIME OF HEARING: Wednesday, December 12, 2001; 7:00pm.

LOCATION OF HEARING: Keizer City Council Chambers, Keizer City Hall, 930 Chemawa Road NE, Keizer.

HOW TO PARTICIPATE: Anyone desiring to speak for or against the proposal may do so in person, or by representative, at the public hearing; or, may submit written comments with the Keizer Community Development Department prior to the public hearing.

LAND USE DECISION CRITERIA: The criteria upon which the decision on this application will be based include the following:

- I. Comprehensive Plan Map Amendments – Keizer Development Code Section 3.109.03
- II. Zone Change – Keizer Development Code Section 3.110.03
- III. Text Amendments – Keizer Development Code Section 3.111.03
- IV. Statewide Goals and Administrative Rules

Questions regarding this proposed amendment can be directed to the following:

Keizer Community Development Department
930 Chemawa Road NE
Keizer, Oregon 97303
Phone: 390-3700

DATED this November 16, 2001.

UPON REQUEST, AUXILIARY AIDS AND/OR SPECIAL SERVICES WILL BE PROVIDED TO PARTICIPANTS WITH DISABILITIES. TO REQUEST SERVICES, PLEASE CONTACT CITY HALL AT 390-3700, OR TDD ACCESS AT 1-800-735-2900, AT LEAST TWO WORKING DAYS (48 HOURS) IN ADVANCE OF THE HEARING.

**AFFIDAVIT OF PUBLICATION
STATE OF OREGON, COUNTY OF MARION, SS:**

I, **Scotta Callister**, being first duly sworn, depose and say that I am Publisher of the Keizertimes, a newspaper of general circulation as defined by Section 58, Oregon Laws, as amended by Chapter 445 General Laws of Oregon, 1929, printed and published in Keizer, in aforesaid county and state; that the Notice – Keizer Station Plan hearing, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for One (1) successive and consecutive week(s) in the following issue(s):
April 12, 2002.

EXHIBIT "A-131"

Subscribed and Sworn to before me this
15th day of April, 2002

Scotta Callister
Scotta Callister

Betty G. Sears
Notary Public for Oregon, Marion County

June 17, 2003
My Commission Expires



**KEIZER COMMUNITY
DEVELOPMENT DEPARTMENT
NOTICE OF PUBLIC HEARING
BEFORE THE
KEIZER CITY COUNCIL**

**AMENDMENT TO CHEMAWA
ACTIVITY CENTER PLAN
PROPOSED
KEIZER STATION PLAN
COMPREHENSIVE PLAN MAP &
TEXT AMENDMENT/ZONE
CHANGE AND DEVELOPMENT
CODE TEXT AMENDMENT
CASE NO. 01-50**

PURPOSE OF HEARING: The Keizer City Council is conducting a public hearing on amending the Chemawa Activity Center Plan, Keizer Comprehensive Plan map and text, zone change and appropriate amendments to the Keizer Development Code. The Keizer Station Plan is proposed to replace the Chemawa Activity Center Plan. Possible amendments are not limited to the above issues. Proposed amendments may affect the allowed uses by adding, subtracting or redistributing the uses in the Chemawa Activity Center Area. Additional acreage may be designated Commercial. Development or design standards may be required and the process for adopting area or sub-area master plans may be modified. Please refer to the draft Keizer Station Plan and the Keizer Planning Department for additional information. However, please note that any final amendments that may be adopted may differ substantially from the draft Keizer Station Plan.

DATE AND TIME OF HEARING:
Monday, May 6, 2002; 7:00 p.m.

LOCATION OF HEARING: Keizer City Council Chambers, Keizer City Hall, 930 Chemawa Road NE, Keizer.

HOT TO PARTICIPATE: Anyone desiring to speak for or against the proposal may do so in person, or by representative, at the public hearing; or, may submit written comments with the Keizer Community Development Department prior to the public hearing.

LAND USE DECISION CRITERIA: The criteria upon which the decision on this application will be based include the following:

- I. Comprehensive Plan Map Amendments - Keizer Development Code Section 3.109.03
- II. Zone Change - Keizer Development Code Section 3.110.03
- III. Text Amendments - Keizer Development Code Section 3.111.03
- IV. Statewide Goals and Administrative Rules

Questions regarding this proposed amendment can be directed to the following:

Keizer Community
Development Department
930 Chemawa Road NE
Keizer, Oregon 97303
Phone: 390-3700
DATED: this April 5, 2002

UPON REQUEST, AUXILIARY AIDS/
OR SPECIAL SERVICES WILL BE
PROVIDED TO PARTICIPANTS WITH
DISABILITIES. TO REQUEST SER-
VICES, PLEASE CONTACT CITY
HALL AT 390-3700, OR TDD ACCESS
AT 1-800-735-2900, AT LEAST TWO
WORKING DAYS (48 HOURS) IN AD-
VANCE OF THE HEARING.

**KEIZER COMMUNITY DEVELOPMENT DEPARTMENT
NOTICE OF PUBLIC HEARING
BEFORE THE KEIZER CITY COUNCIL**

**AMENDMENT TO CHEMAWA ACTIVITY CENTER PLAN
PROPOSED KEIZER STATION PLAN
COMPREHENSIVE PLAN MAP & TEXT AMENDMENT/ZONE CHANGE AND
DEVELOPMENT CODE TEXT AMENDMENT CASE NO. 01-50**

PURPOSE OF HEARING: The Keizer City Council is conducting a public hearing on amending the Chemawa Activity Center Plan, Keizer Comprehensive Plan map and text, zone change and appropriate amendments to the Keizer Development Code. The Keizer Station Plan is proposed to replace the Chemawa Activity Center Plan. Possible amendments are not limited to the above issues. Proposed amendments may affect the allowed uses by adding, subtracting or redistributing the uses in the Chemawa Activity Center Area. Additional acreage may be designated Commercial. Development or design standards may be required and the process for adopting area or sub-area master plans may be modified. Please refer to the draft Keizer Station Plan and the Keizer Planning Department for additional information. However, please note that any final amendments that may be adopted may differ substantially from the draft Keizer Station Plan.

DATE AND TIME OF HEARING: Monday, May 6, 2002; 7:00pm.

LOCATION OF HEARING: Keizer City Council Chambers, Keizer City Hall, 930 Chemawa Road NE, Keizer.

HOW TO PARTICIPATE: Anyone desiring to speak for or against the proposal may do so in person, or by representative, at the public hearing; or, may submit written comments with the Keizer Community Development Department prior to the public hearing.

LAND USE DECISION CRITERIA: The criteria upon which the decision on this application will be based include the following:

- I. Comprehensive Plan Map Amendments – Keizer Development Code Section 3.109.03
- II. Zone Change – Keizer Development Code Section 3.110.03
- III. Text Amendments – Keizer Development Code Section 3.111.03
- IV. Statewide Goals and Administrative Rules

Questions regarding this proposed amendment can be directed to the following:

Keizer Community Development Department
930 Chemawa Road NE
Keizer, Oregon 97303
Phone: 390-3700

DATED this April 5, 2002.

UPON REQUEST, AUXILIARY AIDS AND/OR SPECIAL SERVICES WILL BE PROVIDED TO PARTICIPANTS WITH DISABILITIES. TO REQUEST SERVICES, PLEASE CONTACT CITY HALL AT 390-3700. OR TDD ACCESS AT 1-800-735-2900, AT LEAST TWO WORKING DAYS (48 HOURS) IN ADVANCE OF THE HEARING.

THIS IS TO NOTIFY YOU THAT THE CITY OF KEIZER HAS PROPOSED A LAND USE REGULATION THAT WILL AFFECT THE PERMISSIBLE USES OF YOUR LAND.

**KEIZER COMMUNITY DEVELOPMENT DEPARTMENT
NOTICE OF PUBLIC HEARING
BEFORE THE KEIZER CITY COUNCIL**

**AMENDMENT TO CHEMAWA ACTIVITY CENTER PLAN
PROPOSED KEIZER STATION PLAN
COMPREHENSIVE PLAN MAP & TEXT AMENDMENT/ZONE CHANGE AND
DEVELOPMENT CODE TEXT AMENDMENT CASE NO. 01-50**

On May 6, 2002 the Keizer City Council will hold a public hearing regarding the adoption of an unnumbered Ordinance. The City of Keizer has determined that the adoption of this ordinance will affect the permissible uses of your property and may reduce the value of your property.

Such Ordinance is available for inspection at the Keizer City Hall, 930 Chemawa Road N.E., Keizer, Oregon 97303. A copy of the Ordinance is also available for purchase at a cost of \$.10 per page.

For additional information concerning this Ordinance, you may call the Keizer Community Development Department at (503) 390-3700.

The above bold faced language is required under Ballot Measure 56. However, the City of Keizer has not determined whether or not any proposed ordinance might affect the value of your particular property. In addition, any draft ordinance that may be available is not complete, because the public hearing process needs to move forward before the Planning Commission and City Council can draft such ordinance. The Language of Ballot Measure 56 requires notification regarding the ordinance as set forth above.

PURPOSE OF HEARING: The Keizer City Council is conducting a public hearing on amending the Chemawa Activity Center Plan, Keizer Comprehensive Plan map and text, zone change and appropriate amendments to the Keizer Development Code. The Keizer Station Plan is proposed to replace the Chemawa Activity Center Plan. Possible amendments are not limited to the above issues. Proposed amendments may affect the allowed uses by adding, subtracting or redistributing the uses in the Chemawa Activity Center Area. Additional acreage may be designated Commercial. Development or design standards may be required and the process for adopting area or sub-area master plans may be modified. Please refer to the draft Keizer Station Plan and the Keizer Planning Department for additional information. However, please note that any final amendments that may be adopted may differ substantially from the draft Keizer Station Plan.

DATE AND TIME OF HEARING: Monday, May 6, 2002; 7:00pm.

LOCATION OF HEARING: Keizer City Council Chambers, Keizer City Hall, 930 Chemawa Road NE, Keizer.

HOW TO PARTICIPATE: Anyone desiring to speak for or against the proposal may do so in person, or by representative, at the public hearing; or, may submit written comments with the Keizer Community Development Department prior to the public hearing.

LAND USE DECISION CRITERIA: The criteria upon which the decision on this application will be based include the following:

- I. Comprehensive Plan Map Amendments – Keizer Development Code Section 3.109.03
- II. Zone Change – Keizer Development Code Section 3.110.03
- III. Text Amendments – Keizer Development Code Section 3.111.03
- IV. Statewide Goals and Administrative Rules

Questions regarding this proposed amendment can be directed to the following:

Keizer Community Development Department
930 Chemawa Road NE
Keizer, Oregon 97303
Phone: 390-3700

DATED this April 5, 2002.

UPON REQUEST, AUXILIARY AIDS AND/OR SPECIAL SERVICES WILL BE PROVIDED TO PARTICIPANTS WITH DISABILITIES. TO REQUEST SERVICES, PLEASE CONTACT CITY HALL AT 390-3700, OR TDD ACCESS AT 1-800-735-2900, AT LEAST TWO WORKING DAYS (48 HOURS) IN ADVANCE OF THE HEARING.

EXHIBIT "A-134"**KITTELSON & ASSOCIATES, INC.****TRANSPORTATION PLANNING/TRAFFIC ENGINEERING**

610 SW ALDER, SUITE 700 • PORTLAND, OR 97205 • (503) 228-6230 • FAX (503) 273-8188

MEMORANDUM

Date: October 21, 2002**Project #:** 4539**To:** Keizer City Council
City of Keizer
930 Chemawa Rd NE
Keizer, Oregon 97307**From:** Christopher Stanley, P.E. *CS***Project:** Keizer Station Plan**Subject:** The Transportation Impact of the City Council's Modifications to the Keizer Station Plan

The purpose of this memorandum is to review the changes the Keizer City Council has included as part of the Keizer Station Plan and determine the impact of these changes on the surrounding transportation system.

Two significant changes have been identified and are listed below.

- The General Employment (EG) zone previously required a portion of the 25% industrial type uses to be exclusively industrial. This is not the requirement anymore and all of the 25% can be developed as office land uses.
- There is a 975,000 square-foot limit on retail commercial uses in the Keizer Station Plan.

These changes were applied to the trip generation estimates for the proposed Keizer Station Plan. The previous plan was expected to generate approximately 100 less weekday p.m. peak hour trips than the current zoning. The City Council's recommendations will increase the site's trip generating potential by approximately 100 net new trips. Therefore, the City Council's modifications to the plan will generate approximately the same number of trips as the existing zoning.

As historically noted, it is unlikely that the site will develop at these densities. The purpose of this comparison is a worst-case review of the trip generating potential of the site associated with the proposed zone change. In addition, the site is required to provide sufficient transportation improvements to maintain acceptable operations. In summary, the City Council's recommendations to the plan will not result in additional site-generated trips when compared to the current zoning.

FOR CITY COUNCIL MEETING OF: OCTOBER 14, 1996
 AGENDA ITEM NO: 4. e

TO: MAYOR AND CITY COUNCIL
 THROUGH: LARRY WACKER, CITY MANAGER *L. Wacker*

EXHIBIT "A-135"

FROM: WILLIAM HEALY, DIRECTOR
 COMMUNITY DEVELOPMENT *William F. Healy*

SUBJECT: COMPREHENSIVE PLAN CHANGES AND OVERLAY ZONE FOR NORTHEAST
 QUADRANT OF CHEMAWA/I-5.

ISSUES

Should the City Council:

Consider changes to the Salem Area Comprehensive Plan (SACP) map, Salem Revised Code, and review and make recommendations to the Marion County Board of Commissioners for specific areas within the Chemawa/I-5 Interchange.

RECOMMENDATIONS

- 1) Redesignate 13.35 acres on the Comprehensive Plan Map from "Developing Residential" and "Community Service Educational" to "Industrial" located at the 3100 block of "old" Chemawa Rd. NE (CICPC 96-6);
- 2) Recommend to the Marion County Board of Commissioners to redesignation of 34.07 acres on the Comprehensive Plan Map from "Developing Residential" and "Community Service Educational" to "Industrial" located at the 3100 block of "old" Chemawa Rd. NE (CICPC 96-6);
- 3) Adopt the "Chemawa/I-5 Northeast Quadrant Gateway Overlay Zone";
- 4) Redesignate 4.31 acres on the Comprehensive Plan Map from "Developing Residential" to "Commercial" located at 5343 and 5455 Portland Rd. NE (CICPC 96-7);
- 5) Adopt changes to SRC chapter 62 regulating signs within interchange overlay zones;
- 6) Acknowledge to Marion County Board of Commissioners review of Marion County "Limited Use Overlay Zone" to apply to 34.07 acres within the Chemawa/I-5 Northeast Quadrant.

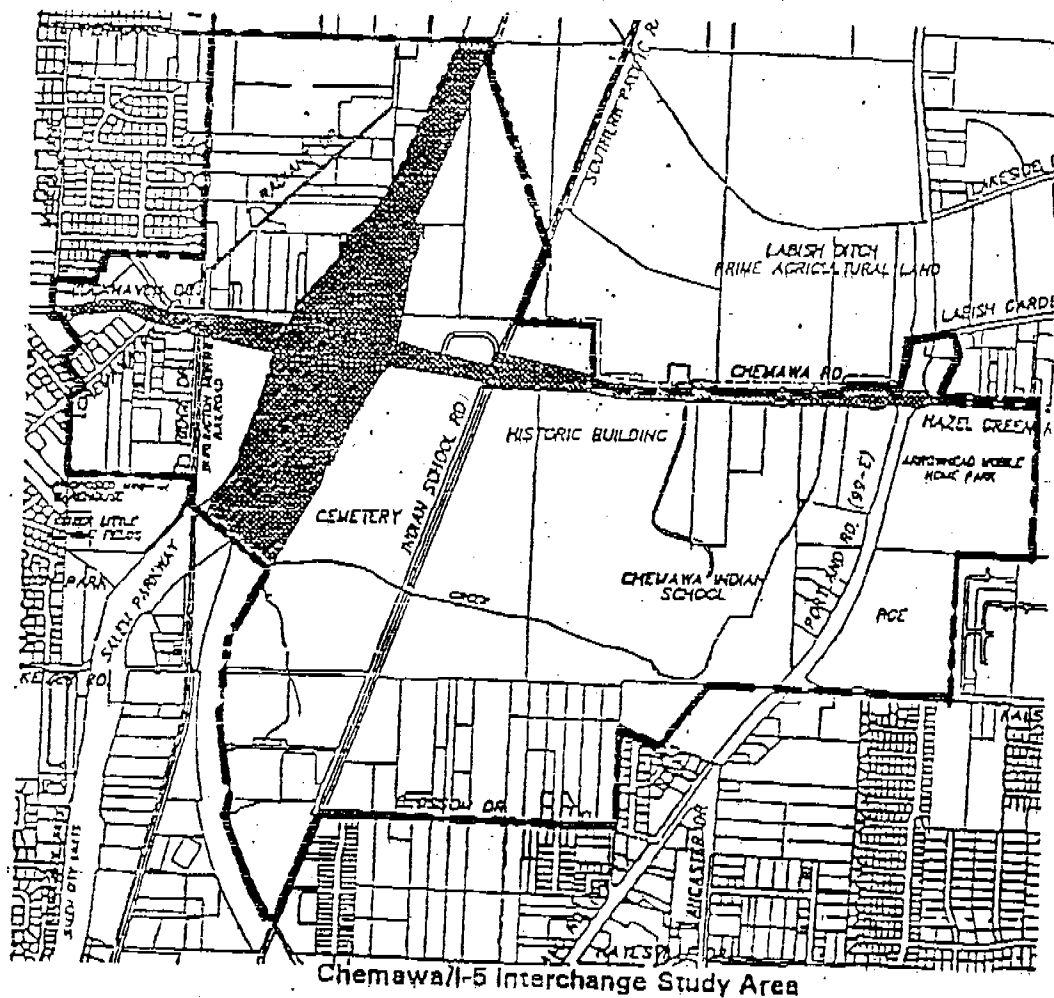
BACKGROUND

The cities of Salem and Keizer, and Marion County identified the need to prepare a land-use and transportation plan for the area surrounding the Chemawa Road interchange with Interstate-5. The Chemawa/I-5 Interchange is one of the last two undeveloped urban freeways interchanges within the Willamette Valley and over the past years has experienced a great deal of development pressure.

The City of Salem received a Transportation Growth Management (TGM) grant from the Oregon Department of Transportation (ODOT) and Oregon Department of Land Conservation and Development (DLCD) to conduct a land-use and transportation study of the interchange. The planning consultant firm of Kampe Associates Inc. of Lake Oswego was selected to

conduct the study. Kampe Associates prepared a study for the interchange area -- "Interstate 5/Chemawa Road Urban Interchange Transportation and Land Use Study" dated June 1995.

The interchange study area included land within three jurisdictions: City of Salem, City of Keizer, and Marion County.



The study recommended the land within the overlay district be designated "Industrial" and allow hotel, restaurant, and retail uses within the southern quarter of the district. Specific development standards were recommended for both the industrial and commercial uses:

"This land is very visible from Interstate 5. As this land develops, it will become part of a 'gateway' into the Salem-Keizer metropolitan area from the north, similar to the land west of Interstate 5 in the City of Keizer. It is appropriate that this parcel be planned and designated as a single development in order to maintain a cohesive design and encourage a visually pleasing development. Design standards should include significant landscaping, i.e. minimum 20% perimeter landscaping along the Interstate 5 frontage, and signage restrictions."

A joint work session of the Salem City Council and Marion County Board of Commissioners (with an invitation to the Salem and Marion County Planning Commissions to attend) was held

on June 19, 1995. A representative of the consultant firm, Kampe Associates, briefed the Councilors and Commissioners on the interchange study.

The study and resulting recommendations do not involve any regional policies. The portion of the interchange study area west of Interstate-5 is within the City of Keizer and is being addressed through Keizer's planning process. The area east of the interstate, the Northeast and Southeast Quadrants, are predominately within the City of Salem with the major portion of the Northeast Quadrant within unincorporated Marion County. City and County staff worked jointly in the "follow-up" planning process described below. Both jurisdictions will be required to take separate, yet coordinated, adoption actions to implement the recommendations of the planning process.

Public hearings on the study were held during a joint meeting of the Salem and Marion County Planning Commissions on September 19, 1995. The joint work session was continued on November 14, 1995. At the work session the Commissions voted unanimously to accept the consultant's study "...as a basis for future planning" and both Commissions established a consensus to "...accept the basic planning concepts contained in the Staff Report of 11/14/95" (Motion Sheet, Nov. 15, 1995).

Staff was instructed to initiate a "follow-up" planning process for the Northeast and Southeast Quadrants of the Chemawa/I-5 Interchange as recommended in the staff reports to the Planning Commissions. An information only staff report outlining the proposed schedule for the "follow-up" planning was received by the Commissions on January 16, 1996.

Public "follow-up" planning meetings for each quadrant were held on January 16 (NE) and January 23 (SE) by Salem and Marion County staff. Property owners, property owners within 250 feet of the quadrant, Northgate Neighborhood Association, and interested persons were notified of the meetings by mail. The meetings were attended by 5 persons for the NE Quadrant (100% of affected property owners or representatives were present) and 12 persons for the SE Quadrant (the affected property owners were either present or later met later with staff). Staff developed the "Chemawa/I-5 Northeast Quadrant Gateway Overlay Zone" and the Salem Planning Commission initiated Comprehensive Plan Changes (CICPC) 96-6 and 96-7 from the recommendations of the study, input from the "follow-up" planning process, and staff analysis.

On April 16, 1996 the Salem Planning Commission held public hearings and unanimously recommended adoption of the subject proposals. While the subject property owners or their representatives were present at the public hearing, no citizens choose to speak at the public hearing.

On May 7, 1996 the Marion County Planning Commission (MCPC) held a public hearing to review Salem's proposed overlay zone, recommend adoption of CICPC 96-6, and a Marion County Limited Use Overlay Zone. At the public hearing, representatives of one of the property owners within the NE Quadrant spoke against elements of the Salem's Chemawa/I-5 overlay zone. MCPC recommended approval of CICPC 96-6. MCPC recommended to the Salem Planning Commission that they review and consider modifications to the Chemawa/I-5 overlay zone.

On 20 August, 1996 the Salem Planning Commission reopened the public hearing on the Chemawa/I-5 overlay zone to address the specific elements identified by the MCPC. The Salem Planning Commission unanimously agreed to modify specific element of the overlay zone and to forward a recommendation for adoption to the City Council.

FACTS AND FINDINGS**A. APPROVAL AND ADOPTION CRITERIA**

The proposed SACP map changes and overlay zone are the implementation actions recommended as the result of a land-use and transportation planning process for the Chemawa/I-5 Interchange area. The proposed 'package' of changes for the Salem/Marion County portion of the Chemawa/I-5 Interchange area are considered a "Category 6" amendment to the SACP. SRC 64.050(f) identifies this action as: "Category 6: an amendment to the comprehensive plan map for property which is wholly or partially outside the city limits, not affecting the Urban Growth Boundary." The Common Council of the City of Salem or Salem Planning Commission have standing to initiate a Category 6 change (SRC 64.060(f)). The package of proposed amendments was initiated by the Salem Planning Commission. SRC 64.070 "Major Plan Changes, Generally" states the nature and approval criteria for a Major Plan Change:

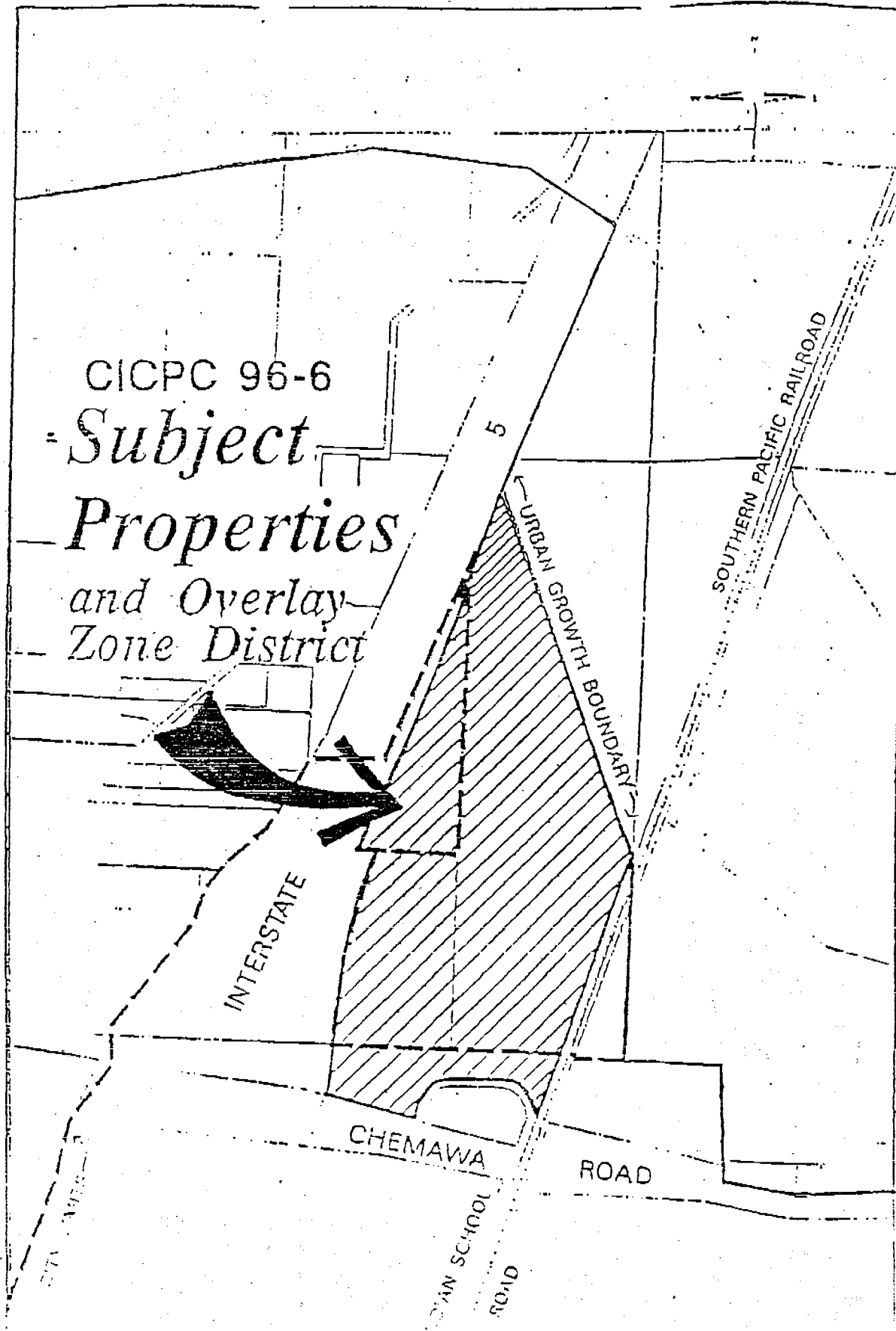
"Major plan changes are hereby declared to be legislative acts of the common council. No special burden of proof need be met by the proponents of such changes, and the criterion used by the common council in making such changes shall be what is, in its opinion, in the best interest of the public health, safety, and welfare of its citizens; provided, however, that the council shall consider and accommodate as much as possible all applicable statewide planning goals...."

B. COMMISSION INITIATED COMPREHENSIVE PLAN CHANGE 96-6 (CICPC 96-6)

1. CICPC 96-6 redesignated 47.42 acres to "Industrial" from "Developing Residential" (approximately 16 acres) and "Community Service Education" (approximately 31 acres) on the Salem Area Comprehensive Plan (SACP).

- | | | |
|----|-------------------|---|
| a) | Address: | 3155 Chemawa Rd. NE |
| | Owner: | Shirly Noteboom |
| | Total parcel: | 8.77 acres |
| | Affected parcel: | 8.77 acres |
| b) | Address | 3165 Chemawa Rd. NE |
| | Owner: | Jerry Ditchen |
| | Total parcels: | 48.08 acres |
| | Affected parcels: | 34.07 acres |
| c) | Address: | 3100 Block, Chemawa Rd. NE |
| | Owner: | Oregon State Department of Transportation |
| | Total parcel: | 5.70 acres |
| | Affected parcel: | 4.58 acres |

2. Over 13 acres are within the city limits of Salem with the remainder being within unincorporated Marion County. The area is within the Salem Urban Growth Boundary.
3. Zoning and land uses. The area is zoned Residential Agriculture (RA) (8.77 acres), Public Education (PE) (4.58 acres), and Marion County (Urban Transition-1 (UT-10), (34.07 acres). The area is used predominately as cultivated farm land, with a single-family dwelling and farm buildings located in the southeast corner, and high-power electrical lines crossing the northern portion of the site.



Surrounding properties and uses area as follows.

- North: The Urban Growth Boundary (UGB) forms the northern boundary of the area with farm land of the Labish Ditch (Exclusive Farm Use, EFU zoned).
- South: Across Chemawa Road NE is the Chemawa Indian School (Community Service Education, PE zoned).
- East: Across the Southern Pacific Railroads vacant land (Community Service Education and Developing Residential, UT-10 zoned).
- West: Interstate-5.

4. Transportation. Interstate-5 is east adjacent with no access. Chemawa Road NE is south adjacent with one access point from the intersection of Indian School Rd. NE and "old" Chemawa Road NE (not shown on map). "Old" Chemawa Rd. NE is within the overlay district. The Southern Pacific railroad is adjacent to the east.

Access to the area is from Chemawa Road NE and Indian School Road NE. An access road connects the two roads and forms the southeast boundary of the overlay district. The required transportation impact analysis (TIA) will determine any modifications to the access configuration. The study identified the potential for an 'off ramp' on the south side of Chemawa Rd. NE to Indian School Rd. NE. This configuration would eliminate cross-traffic turning movements on Chemawa Rd. NE.

"Old" Chemawa Rd. NE provides internal access to the southern portion of the overlay district. The alignment of this road may be altered to facilitate development within the overlay district.

Transit no longer services the area. It can be anticipated that with the build-out of the Chemawa/I-5 interchange the area will again be serviced by transit from Chemawa Rd. NE.

5. The northern one-fourth of CICPC 96-6 is within the 100-year floodplain. The floodplain consists of Zone A (areas of 100-year flood where flood elevation and flood hazard factors have not been determined) and Zone C (areas of minimal flooding.) (FIRM Map #410154 0175D, Dec. 19, 1995).
6. The northern one-fourth of CICPC 96-6 contains hydric soils but no identified wetlands (NWI, SCS Maps, Local Wetlands Inventory 1991).
7. This SACP change fulfills the land-use recommendations of the study with the following exception: Retail uses identified in the study are not allowed within the industrial designation.

Retail commercial uses are integrated into the western, Keizer, quadrants of the interchange. The western quadrants, with their adjacent residential and proposed employment areas, provide the best location for commercial uses within the interchange area.

C. CHEMAWA/I-5 NORTHEAST QUADRANT GATEWAY OVERLAY ZONE

The overlay zone (Attachment A) was developed to address the issues identified within the study, by citizen input, by planning commission input, and by staff analysis. The overlay zone functions to facilitate industrial development of the area while establishing a visual "gateway" to Salem from Interstate-5 and the Southern Pacific "high-speed" rail corridor to the east. The text of Attachment A has been reorganized, without change to content, from the version reviewed by the Planning Commission.

The major components of the overlay zone and the intent of the regulations are as follows:

- 1) Intent and Purpose: The overlay zone sets specific development standards to guide development of the district.

Intent: Provide a "gateway" to Salem from Interstate-5 and the "high-speed" rail corridor.

- 2) Uses within the District: Requires the parcels within the district be zoned IP (Industrial Park) prior to development. Some uses allowed within the IP zone are prohibited within the overlay district.

Intent: The IP zone allows all the uses recommended in the study (industrial, motel, restaurant) with the exception of retail and prohibits some uses that generally have the potential for adverse impacts not conducive to a "gateway" area.

Discussion: Retail commercial uses are integrated into the western, Keizer, quadrants of the interchange. The western quadrants, with their adjacent residential and proposed employment areas, provide the best location for commercial uses within the interchange area. The prohibited uses generally have the potential for adversely impacting the area because of odor, traffic impacts, and the extensive need for outdoor storage or parking areas.

- 3) Master Plan: Requires that an approved, binding master plan for each parcel be prepared by the applicants prior to any land-use action or development.

Intent: Development of parcels within the overlay district should be planned as cohesive units within the overlay district. The master plan will identify the general form and function of the district prior to commitment of zoning changes or approval for construction.

Discussion: The master plan requirement will allow for proper evaluation of transportation impacts and public facilities needed for the parcels and the district. It will promote cooperation between the property owners to develop a functional district while fulfilling the "gateway" function of the area. The Planning Administrator will review and approve the master plan to expedite review and approval of the master plan.

The required detail of the Master Plan generally matches the requirements of a Tentative Subdivision Plan (SRC 63.040). The subdivision requirements were modified to reflect the issues of the quadrant. The level of detail is set to allow for analysis for provision of infrastructure to the area and assess potential adverse impacts.

The master plan is necessary to insure an integrated evolution of the quadrant. Individual parcels within the quadrant will be developed with internal phasing and designs. The master plan will require the developer to plan the development of the parcel, insuring compliance with the elements of the overlay zone. Design review is not part of the master plan. Building envelopes (the area within a parcel where building can be located once setbacks, buffers, parking requirements, easements, and right-of-ways have been identified) will be noted and the general characteristics of the possible buildings will be noted. The building details necessary to review compliance with the overlay zone include: square footage of buildings (within an acceptable range), number of floors, height maximum, orientation, and range of uses.

The applicant can place voluntarily limits or caps in the master plan in the form of maximum building characteristics (size, height, and bulk) and uses. The building characteristics would set a "cap" on the density/intensity of the master plan. The intensity may also be accomplished by the use of "floor-to-area-ratios"; or by setting a maximum building square feet. Uses have different impact profiles. The traffic and infrastructure impacts of industrial uses differ from those of a hotel. The applicant can voluntarily limit the uses within the master plan to specific types of uses. If the applicant sets voluntary limits/caps on the uses/density/intensity of the master plan, those limits will be used in analyzing the impacts and mitigation conditions for the master plan.

- 4) **Lot Coverage:** Requires that 20% of each parcel be dedicated to open space. Allows the district perimeter setbacks, buffers, and other required landscaping to be credited to the open space requirement. Landscaping of the open space is required if living vegetation has been removed or damaged, or if the earth is disturbed by the development process.

Discussion: The study recommended that 20% of the area be dedicated to open space. The open space will facilitate the "gateway" intent of the district. In concert with the landscaping requirements, the open space will provide some visual transition between the open agricultural lands of the Labish Ditch north of the district and urbanized Salem and Keizer.

- 5) **Industrial Performance Standards:** Requires that all manufacturing activities (except outdoor storage) be conducted within a fully enclosed building.

Discussion: Outdoor industrial activities can create adverse impacts such as noise, dust, glare, and visual distractions that are not conducive to a "gateway" or potentially the safety of motorists on Interstate-5. By requiring that all manufacturing be conducted indoors, adverse impacts can be mitigated and the visual appeal of the district enhanced.

- 6) **Overlay District Perimeter Setbacks:** Requires a minimum district perimeter setback of 20 feet around the district. No structures, signs, or parking areas (with the exception of one area) are allowed within the setback area. Structures over 20-feet in height require an additional setback. Four areas with varying landscaping requirements are identified.

Intent: Provide a "gateway" perimeter appearance for the district.

Discussion: The District Perimeter Setback area is the primary component of the "gateway" concept. A strategically landscaped belt is established around the district with an emphasis on the areas that are most visible from Interstate-5, the "high-speed" rail corridor, and the entrance frontage of the district. Landscaping requirements are divided into four areas with each weighted to provide the most landscaping in the high visibility areas. The developer is allowed a great deal of flexibility in designing the landscape treatments of the perimeter. The perimeter landscaping requirements are an increase over the "E-type" buffer requirements (SRC Table 132.2) without the increased yard and sight obscuring requirements.

- 7) **Off-Street Parking:** Provides incentives for Transportation Demand Management programs and bicycle parking.

Discussion: Promote alternative transportation, reduction of employee vehicle trips, and reduced parking requirements. The section is similar to the IBC zone requirements.

- 8) **Off-Street Parking Landscaping:** Requires that a minimum of 10% of the vehicle parking area be landscaped. Landscaping must be distributed throughout the parking area. Requirement promotes the use of shade trees.

Intent: Reduce the negative visual impact of parking areas by promoting shaded parking and landscaping.

Discussion: The landscaping requirements are an increase over standard requirements. The district requires an additional 2-5% increase in total landscaped areas within the parking area and requires a greater number of planting units. The emphasis is on increasing the number and improving the location of shade trees within the parking area.

- 9) **Loading Area:** Requires screening of loading areas.

Discussion: Industrial activities such as truck loading and open bay doors are screened from adjacent properties and the district perimeter.

- 10) **Outdoor Storage Areas:** Requires an additional setback of 20 feet if the storage area is located adjacent to the the highly visible district perimeter areas. Storage areas over 1 acre are required to have interior landscaping and dust free maneuver areas and roadways.

Intent: Reduce the visual impact and generation of dust from the storage area while not hindering operations.

Discussion: Existing regulations require only a perimeter sight-obscuring fence, wall, or hedge. The overlay zone requires landscaping islands within the storage area if the area is larger than 1 acre (43,560 sq. ft.). The requirement promotes smaller storage areas of less than 1 acre, or provides for visual "green" relief for larger areas.

- 11) **Landscaping:** Requires that the 20% open space be landscaped if impacted/disturbed during the development process. Also requires that when building facades extend beyond 70 feet without articulation, vertical landscaping along the building is required.

Intent: Allows the developer to reduce landscaping cost through creative landscaping design and reduces the visual bulk of the large industrial buildings.

Discussion: A requirement to landscape 20% of the district could be expensive to develop and maintain. The regulations state that if the developer does not disturb the ground on the open space then no landscaping is required; this regulation does not include the other required landscaping such as setbacks and yards.

Industrial users tend to utilize large rectangular buildings with no articulation and large blank walls. Instead of requiring that the developer articulate the building facades, which might require a building design review process, this requirement establishes landscaping mitigation based on length of an unarticulated facade.

- 12) Signs: Restricts allowable signage within the district. Prohibits billboards within the district and signs within the district perimeter. Restricts the type and scale of signs. Promotes the use of wall signs and restricts free standing signs.

Intent: Promotes the "gateway" concept.

Discussion: Excessive and dominating signs are typical at freeway interchanges. Typical "freeway signs" promote an aggressive commercial image which dominates the interchange. By restricting the types and locations of signs, the "gateway" image for Salem is enhanced. The overlay zone balances the advertising needs of the uses within the district with the "gateway" interests of the community. The balance allows for signs with sufficient size, and "visual corridors" within the district perimeter setback area, to advertise the uses within the overlay district without allowing the signage to overwhelm the "gateway".

- 13) Transportation: Requires that the overlay district have an internal pedestrian network connecting the primary buildings, parking areas, open space, and the transit connection point on Chemawa Road NE, and accommodate truck and rail freight traffic.

Intent: Promotes pedestrian movement within the district and with transit.

Discussion: Transit no longer services the area. It can be anticipated that with development of the Chemawa/I-5 interchange area, transit will again service the site.

D. COMMISSION INITIATED COMPREHENSIVE PLAN CHANGE 96-7 (CICPC 96-7)

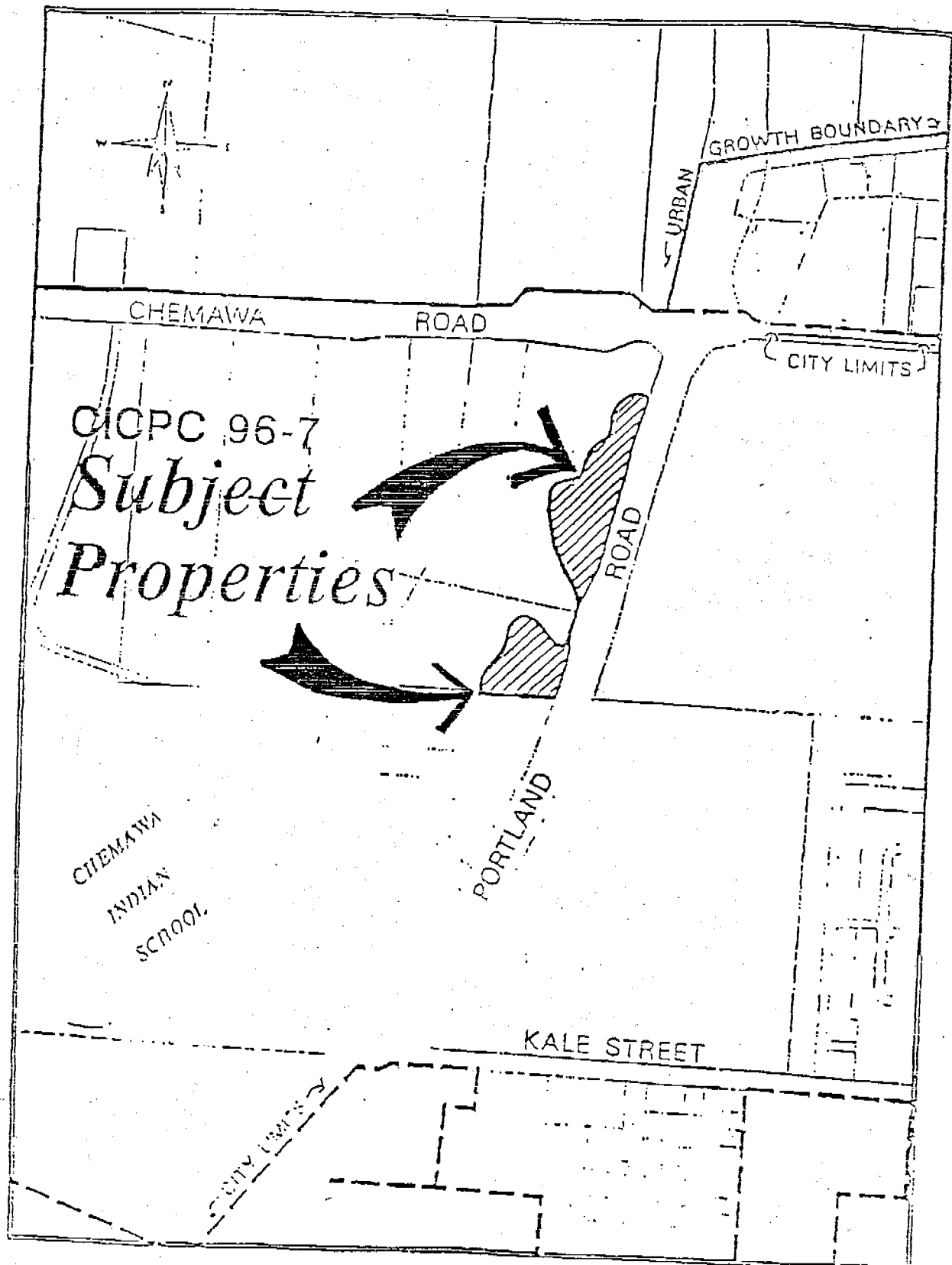
1. CICPC 96-7 redesignated 4.31 acres to "Commercial" from "Developing Residential" Salem Area Comprehensive Plan (SACP).

- | | | |
|----|------------------|---------------------------|
| a) | Address: | 5343 Portland Rd. NE |
| | Owner: | Clifford & Blanche Conrad |
| | Total parcel: | 5.38 acres |
| | Affected parcel: | 1.58 acres |
| b) | Address: | 5455 Portland Rd. NE |
| | Owner: | John & Melanie Stupfel |
| | Total parcel: | 8.94 acres |
| | Affected parcel: | 2.73 acres |

2. The area is within the city limits of Salem and the Salem Urban Growth Boundary.
3. Zoning and land uses. The area is zoned RA. The subject parcels have two single-family houses and outbuildings. Some orchards and farm-supporting operations occur within the subject area.

Surrounding properties and uses area as follows:

- North: The remainder of the parcel to the north is farm and orchards (Developing Residential, RA zoned) with an outbuilding on Chemawa Road NE. Across Chemawa Road NE is the UGB and farm land.
- South: Commercial uses including a nursery, church offices, and motorcycle sales (Commercial, CG zoned).



limited to 13.01(j), 13.02(a), (m), (o) and (p). All other uses, permitted or conditional, listed in Chapter 13 of the Ordinance should be deleted for purposes of the Limited Use Overlay Zone.

Chapter 39 of the MCUZO contains procedural requirements for zone changes in urban areas. Section 39.06(a) provides authority to include conditions in the decision on a zone change application, provided the conditions are found to be necessary and in the public interest. It is recommended that the Marion County Planning Commission adopt, as a condition of approval in the proposed zone change, the "Chemawa/I-5 Northeast Quadrant Overlay Zone".

G. CRITERIA

1. Health, Safety, and Public Welfare.

The proposed SACP map changes and overlay zone promote the orderly and compatible development of Salem portion of the Chemawa/I-5 Interchange area and the specific affected properties. CICPC 96-6 and the proposed overlay zone establish a set of uses and development standards to promote the gateway entrance to Salem, efficient use of public facilities and transportation network, and promote economic development. CICP 96-7 promotes providing commercial service uses, efficient use of public facilities and transportation network, and promotes preservation of natural features and open space.

2. Statewide Planning Goals

Goal 1: Citizen Involvement

Citizen's involvement was met through the Chemawa/I-5 Interchange Study and "follow-up" planning public participation processes, the City's and Marion County's public hearings, and the notification processes which affords public participation in the land-use planning process.

Goal 2: Land-Use Planning

The SACP is the acknowledged comprehensive plan for the Salem UGB. These changes are being made in accordance with the procedures and policies of the SACP. The package of SACP and SRC amendments constitutes a Category 6 change (SRC 64.050) and follow the procedures for a Major Plan change under SRC 64.070-80.

The criterion for evaluating a legislative change are "...the best interest of the public health, safety, and welfare of its citizens; provided, however, that the council shall consider and accommodate as much as possible all applicable statewide planning goals" (SRC 64.070). The Salem Planning Commission has standing to initiate these applications (SRC 64.070).

Goal 3: Agricultural Lands

Not applicable. The land within CICPC 96-6 and parts of CICPC 96-7 have been historically farms or orchards. However, the land is within the UGB and identified for urban development.

Goal 4: Forest Lands

Not applicable.

Goal 5: Open Space, Scenic and Historic Areas, and Natural Resources

The subject properties are not within a designated open space area identified in the SACP, do not contain any historic structures (one house was built in

East: Across Portland Road NE is a large manufactured home park (Multi-Family, MR zoned). To the southeast PGE (Industrial Commercial, CI zoned).
West: The remainder of the parcel to the west is farm and orchards (Developing Residential, RA zoned). Another farmed parcel and Chemawa Indian School are further west.

4. Transportation. The area is accessed by Portland Road NE, a five lane Principal Arterial. The site is no longer served by transit.

5. This SACP change alters the land-use recommendations of the study. The study recommended that all the affected parcels and the adjacent parcel to the west be designated Industrial Commercial. Further analysis of the subject parcel identified the limited development potential of portions of the affected parcels and the parcel to the west. The area being designated Commercial is relatively flat, at grade with Portland Rd. NE with few development constraints. The remainder of the parcels and the parcel to the west have significant slopes and generally unsuitable soils for development.

Commercial was identified as a more appropriate designation than Industrial Commercial. The Commercial designation will provide needed services for the community within the area and can be developed on the limited developable areas of the affected parcels. The Industrial Commercial uses tend to require a larger development site.

E. ADOPTION CHANGES TO SRC CHAPTER 62 "SIGN REGULATIONS FOR INTERCHANGE OVERLAY ZONES"

SRC chapter 62 changes are identical to the sign provisions within the overlay zone. The regulations are repeated within the SRC chapter 62 for ease of code enforcement and consistency of definitions.

F. CHANGE EXISTING UT-10 (URBAN TRANSITION - 10 ACRE DENSITY) ZONE TO UT-LU (URBAN TRANSITION - LIMITED USE) (Attachment C).

Discussion: The 34.07 acres situated in the County is currently zoned UT-10 (URBAN TRANSITION - 10 ACRE DENSITY). The intent of this zoning district is to retain and protect for future urban use those properties which are undeveloped, or underdeveloped, and do not have available urban facilities such as sanitary sewer, water, drainage and streets. The UT zone is appropriate in areas designated in the applicable urban area comprehensive plan for future urban residential development, but may also be used to protect lands designated for future commercial, industrial or public uses.

Chapter 22 of the Marion County Urban Zoning Ordinance (MCUZO) acknowledges that "no zone has a list of permitted and conditional uses where all uses would be appropriate". It further recognizes that on a particular property certain allowed uses may conflict with adjacent land uses, or may not be considered suitable for a particular site. As a result, this Chapter establishes the Limited Use Overlay Zone which can be used to identify appropriate uses for a specific property.

The UT zone allows establishment of certain transitional uses that do not require public facilities. Some of the uses permitted outright or conditionally in the UT zone are not compatible with either the "Industrial" Comprehensive Plan designation or the 'gateway overlay' being proposed for this interchange. It is, therefore, recommended that a Limited Use Overlay Zone be applied to the 34.07 acres under County jurisdiction. To be consistent with long range plans for the interchange, the Limited Use Overlay should limit permitted uses to those listed in MCUZO Section 13.01(a), (b) and (c). In addition, conditional uses should be

1912 but is not listed on the Local Historic Inventory (1987)), and do not contain any identified natural resources that are subject to inventory and protection under this Goal. No wetlands have been identified within the areas encompassed in CICPC 96-6 or 96-7. The northern one-fourth of CICPC 96-6 contains hydric soils but no identified wetlands (NWI, SCS Maps, Local Wetlands Inventory 1991).

CICPC 96-7 divides the affected parcels into two categories: the area that will change designation to Commercial, and the area that will remain Developing Residential. The area that will remain Developing Residential has the potential to be identified as Open Space. The Community Development Department will be conducting an Open Space project in FY 96-97.

Goal 6: Air, Water and Land Resource Quality

No significant adverse impact to local water and land resource quality should result. Development of the areas will require connection to City of Salem sewer and water. There is a potential of impacts to air quality due to traffic generation from eventual development of the areas. Traffic generation will be analyzed prior to development or rezoning CICPC 96-6. Traffic generation from both CICPC's will be a small portion of the average daily traffic in the area and should not have a significant impact on air quality.

Goal 7: Areas Subject to Natural Hazards

The northern one-fourth of CICPC 96-6 is within the 100-year floodplain. The floodplain consists of Zone A (areas of 100-year flood where flood elevation and flood hazard factors have not been determined) and Zone C (areas of minimal flooding.) (FIRM Map #4101540175D, Dec. 19, 1995).

CICPC 96-7 divides the affected parcels into two categories: the area that will change designation to Commercial, and the area that will remain Developing Residential. The area to be redesignated to Commercial is not impacted by natural hazards.

Goal 8: Recreational Needs

The areas within CICPC 96-6 and 96-7 are not designated for open space or future park land, as other areas have been identified to address such needs.

Goal 9: Economic Development

The area within CICPC 96-6 is currently farmed and contains a single-family house and outbuildings. The proposed change will expand the opportunities for development resulting in employment opportunities and property tax revenues which benefit the local and state economy. The overlay zone's requirement for a master plan for the area will facilitate efficient provision of public facilities and services.

The area within CICPC 96-7 is partially farmed and contains two single-family houses and outbuildings. The proposed changes will expand the opportunities for commercial development along the Portland Road frontage, which is relatively flat and at grade with the road. Development of the area will provide commercial services and employment to the area.

Goal 10: Housing

CICPC 96-6 redesignates 16 acres from Developing Residential to Industrial. Even though there is an existing single-family house within the area, the area

is not conducive to residential development due to the noise impacts from Interstate-5, the railroad, and Chemawa Road. The elevated road, railroad network, and Urban Growth Boundary place barriers around the area which isolate the area from the other quadrants within the interchange and from residential areas and commercial services in Salem. Development of the area will most likely result in the removal of the single-family house.

CICPC 96-7 redesignates 4.31 acres from Developing Residential to Commercial. The two existing single-family houses may be removed or remodeled for commercial uses. The affected areas are zone RA and single-family houses are allowed within the RA zone. The SACP changes will not significantly reduce the inventory of residential lands within the UGB.

Goal 11: Public Facilities and Services

CICPC 96-6 and 96-7 are both outside the Current Development Area (CDA). Providing services to either area will require extensive extension of lines and supporting facilities. CICPC 96-7 facilities and capacity levels requirements will be reviewed during the urban growth management development permit process. CICPC 96-7 is an industrial area and not subject to SRC chapter 66. Facilities and capacity levels requirements will be reviewed during the pre-application and master plan process.

Goal 12: Transportation

Traffic volumes in the area will increase as a result of development of the proposed change areas.

Prior to any land-use action or development on a parcel within the overlay district a TIA is required to assess the traffic impacts of the proposed master plan. Based on Public Works Department analysis and the TIA, the proposal will have to be modified to mitigate potential transportation impacts to the local road network and to the Chemawa/I-5 interchange. ODOT has indicated that the use of a development TIA will meet their review requirements for the overlay zone and comprehensive plan changes.

The overlay zone has specific requirements and incentives to reduce vehicle trips, support alternative transportation, and reduced parking requirements. Though transit no longer services the area, it can be anticipated that service will be extended to the area again once it is developed. The overlay zone facilitated pedestrian connectivity with the transit street.

CICPC 96-7 will not have a significant impact on traffic in the area. At development the traffic impact of the proposed use will be analyzed. Transit no longer services the site.

Goal 13: Energy Conservation

New development will be required to meet energy conservation codes and requirements for efficiency in effect at the time of construction. The areas are easily accessible from the local major street network and Interstate-5. Transit is not currently available to the areas. The overlay zone provides incentives to develop a Transportation Demand Management Plan, promote pedestrian connections, and bicycle parking.

Goal 14: Urbanization

The sites are within the UGB and within or contiguous to the City. Development of the areas will contribute to maintaining a compact urban area through the efficient use of services, thereby assisting in the orderly transition of urbanizable land to urban uses.

Goal 15: Greenway

Not applicable.

3. Salem Area Comprehensive Plan Policies. The following Salem Urban Area Goals and Policies are applicable.

B. General Development.

B.1. Citizen Involvement: "Opportunities for broad-based citizen involvement in the development, revision, monitoring and implementation of the Salem Area Comprehensive Plan shall be provided by the City of Salem and Marion and Polk Counties. Where neighborhood groups have been officially recognized by the governing body, they shall be included in the planning process. To help assure citizen participation and information, public hearings"

See Statewide Planning Goals, Goal 1 above.

B.14. Screening of Storage: "Outdoor storage areas should be screened from the public streets and from adjacent uses."

The Northeast Quadrant is a northern gateway to Salem. As a proposed industrial area, there is the potential for a negative first impression of from some types of industrial uses while not hindering industrial operations within the overlay zone district. The proposed overlay zone provides additional development standards to mitigate/minimize adverse visual impacts from outdoor storage areas. Specific setback and landscaping standards are set for the properties within the overlay zone district.

C.3. UGB is Urbanizable: "Urbanizable areas within the urban growth boundary shall be considered as available for annexation and urban development.";

C.5. Source of Urban Facilities: "Sewer or water service will not be extended to any land for development outside city limits or County service districts. Such areas must be annexed to the City to receive those services except as may be agreed by the City and appropriate County."; and

D. Growth Management

D. 4. "The extension of sewer, water, storm drainage, and transportation facilities within the Salem urban area shall be in conformity with the adopted growth management program. Public water and sewer facilities shall be sized and constructed to serve the areas within the urban growth boundary."

The area within the Chemawa/I-5 Interchange study area is within the UGB. The proposed actions will facilitate the urbanization of the area and provide for the adequate provision of urban facilities (see Statewide Planning Goals 11 and 12 above). The coordination of actions within the Chemawa/I-5 Interchange area between the City of Salem, City of Keizer, and Marion County provides for a comprehensive and consistent plan for the northern gateway area for the City of Salem.

- F.4. Commercial Development: "Community shopping and service facilities shall be located adjacent to major arterials and shall provide adequate parking and service areas. Land use regulations shall include provisions for siting and development which discourage major customer traffic from outside the immediate neighborhoods from filtering through residential streets."

CICPC 96-6 and overlay zone limits commercial uses within the Chemawa/I-5 Northeast Quadrant to those allowed in the IP industrial zone.

CICPC 96-7 provide for commercial development along Portland Rd. which is identified as a Principal Arterial in the Salem Transportation Plan (revised 1992). The proposed changes take into account the environmental constraints of the subject properties and their relationship to Portland Road. The proposed changes to commercial are limited to the areas adjacent to Portland Rd. which are "at grade" with the roadway. The limited changes will lessen, though not eliminate, the 'strip' commercial nature of the western side of Portland Rd. south the subject properties.

G. Economic Development

- G. Goal: "Strengthen the economic base of the Salem area to sustain the economic growth necessary to provide adequate employment opportunities and maintain community livability."; and

H. Industrial Development

- H.1. Industrial Land Inventory: "Maintain an industrial land inventory offering a choice of parcels of adequate size and suitable locations provided with necessary public services. Sufficient land in large parcels should be zoned industrial to insure a competitive market for industrial sites."

The increase in the industrial land inventory with land that is conveniently located with access to the Interstate, regional, and local roadway networks and railroad will provide for economic development within the City of Salem.

- H.4. Interface with Other Uses: "Industrial land bordered by residential or rural lands shall be subject to industrial development standards which ensure that development and operation is compatible with surrounding land use."

The proposed Industrial designation and overlay zone for the Chemawa/I-5 Northeast Quadrant borders rural but not residential uses. The overlay zone sets specific use and development standards that promotes the interchange as a gateway to Salem and provides for a transition between the rural area outside of the UGB

I. Transportation

- I. Goal: "To insure that the coordination and provision of transportation facilities and services that reflect desired development patterns are timed to coincide with community needs and to minimize the adverse impacts of traffic."

The Chemawa/I-5 Interchanges Study and 'follow-up' planning process was conducted in coordination with the Oregon Department of Transportation and Salem Department of Public Works transportation planners. The proposed SACP changes and overlays zone incorporated appropriate coordination between uses and impacts to the transportation network. The overlay zone requires that a transportation impact analysis be conducted for each parcel master plan.

- J. Open Space, Parks, and Recreation.
J.7. "Identified open space areas shall be protected. A change in use of these areas shall be reviewed to evaluate the effects of such a change."

CICPC 96-7 identifies areas of the subject properties which have development potential and areas which, by existing environmental conditions or constraints, are not developable to full urban intensities. The remaining areas of the subject parcels not proposed for change to a commercial designation are candidates for visual, functioning (farmed), and potential wetlands open spaces.

H. OTHER MODIFICATIONS FROM THE STUDY

1. For the area along the western portion of Portland Rd. NE (south of CICPC 96-7), the study recommend a designation change from Commercial to Industrial Commercial. Upon further analysis of the existing development pattern along Portland Rd. NE and the reanalysis of the parcels affected by CICPC 96-7, staff recommends that the area remain Commercial.
2. For the area at the northeast corner of Portland Rd. NE and Hazelgreen Rd. NE the study recommended a designation change from Commercial to Industrial Commercial. Upon further analysis staff recommends that this area remain Commercial. The property is within unincorporated Marion County. Marion County's IC zone tends to be more industrial oriented than is appropriate for the area.

Vickie Hardin Woods
Vickie Hardin Woods
Urban Planning Administrator

Prepared by: David Forte, Associate Planner

- Attachment A: Planning Commission Action Sheet
Attachment B: "Chemawa/I-5 Northeast Quadrant Gateway Overlay Zone"
Attachment C: Proposed amendments to SRC chapter 62
Attachment D: Marion County "Limited Use Overlay Zone"

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INTENT AND PURPOSE. The Chemawa/I-5 Northeast Quadrant Gateway Overlay Zone sets forth particular development standards to guide development, redevelopment, and changes in land use within the overlay district to provide a "gateway" to Salem. Unless otherwise provided, the overlay development standards are in addition to generally applicable standards provided elsewhere in this code.

XXX.XXX. **DEFINITIONS.** As used in this chapter, except as the context otherwise requires:

- (a) "Change of use" means making a different or more intense use of any building, structure, or land than that which existed on March 1, 1996 and for which permission may be required pursuant to this code.
- (b) "Develop" or "Development" means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. To "develop" does not include:
 - (1) Completion of a structure or use of land for which a valid building permit has been issued as of March 1, 1996;
 - (2) Maintenance and repair, usual and necessary for the continuance of an existing use;
 - (3) Reasonable emergency procedures necessary for the safety or operation of the property;
 - (4) Interior remodeling and such exterior remodeling that does not increase square footage of building, increase building height, or substantially alter the appearance of the structure.

XXX.XXX. **ESTABLISHMENT OF THE CHEMAWA/I-5 NORTHEAST QUADRANT GATEWAY OVERLAY ZONE.** For the purposes of placing special additional regulations on the development of the land therein, the Chemawa/I-5 Northeast Quadrant Gateway Overlay Zone is hereby created. The boundaries of the overlay district are as shown on the official zoning map. The overlay zone shall be applied to all lands within the district upon annexation to the City of Salem.

XXX.XXX. **USES IN THE CHEMAWA/I-5 NORTHEAST QUADRANT GATEWAY OVERLAY ZONE.** The parcels within the overlay district shall be zoned IP (Industrial Park) prior to development. The following uses are prohibited within the overlay zone:

- (a) Gasoline service stations (SIC 554),
- (b) Recycling depots,
- (c) Crude petroleum and natural gas extraction (131),
- (d) Pulp (261), paper (262), and paper board (263) mills,
- (e) Chemical and allied products (28),
- (f) Leather tanning and finishing (311),
- (g) Gas production and distribution (492),
- (h) Petroleum and petroleum products (517), and
- (i) Solid waste transfer stations.

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VARIANCES

XXX.XXX.

VARIANCES. Any person desiring to develop contrary to the regulations prescribed in this chapter may make application in accordance with the procedures in SRC chapter 110. The Hearings Officer may vary development standards upon finding that the variance criteria of SRC chapter 115 have been met.

DEVELOPMENT STANDARDS

XXX.XXX.

DEVELOPMENT STANDARDS FOR CHANGE OF USE OR DEVELOPMENT.

XXX.XXX.

MASTER PLAN. A ^{site} master plan shall be prepared by the applicant for the parcels ~~within the site~~ ^{and the site} prior to any development actions requiring a permit or land-use action by the City of Salem.

- (a) The Planning Administrator shall approve the master plan and amendments to the master plan.
- (b) The approved master plan shall be a condition on all development actions. Amendments of the approved master plan shall conform with this chapter.
- (c) The master plan shall show and note the maximum density/intensity of uses that are proposed for the subject parcel(s). The potential maximum density/intensity permitted under this code and chapter shall be used to determine potential impacts and to place conditions (if applicable) on the master plan. The applicant may voluntarily limit uses and/or density/intensity by placing a voluntary cap on the master plan to reduce potential impacts and conditions. If voluntary limitations in excess of this code or chapter are set by the applicant, those limitations shall be used in review of the master plan and be incorporated into the approved master plan.
- (d) Transportation Impact Analysis (TIA). In accordance with applicable City ordinances and guidelines, a transportation impact analysis (TIA) of the master plan shall be conducted by the applicant prior to final approval of a master plan. If an amendment of the approved master plan is requested by the applicant, the Planning Administrator in conjunction with the Salem Public Works Department may require a new TIA, or revision of the original master plan TIA.
- (e) Master plan requirements. Whenever it is proposed to create or revise a master plan, the applicant shall file with the planning administrator one reproducible copy and one clear and legible copy of the master plan on sheets not less than eleven (11) inches by seventeen (17) inches and no more than twenty-four (24) inches by thirty-six (36) inches in size. Except as may be exempted by the planning administrator, master plans shall be drawn to scale and shall include or be accompanied by the following information and data:
 - (1) A completed application form provided by the planning administrator.

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- (2) A title block in the lower right-hand corner of each sheet of the tentative plan showing:
 - (A) The scale of the drawing;
 - (B) The date of the drawing;
 - (C) The township, range, and section in which the property lies; and
 - (D) The names and addresses of the property owner, developer, engineer, surveyor, or other individual responsible for laying out the master plan.
 - (E) Total master plan area and acreage.
- (3) A vicinity map which extends at least eight-hundred (800) feet in each direction from the proposed master plan. The vicinity map shall be drawn to a scale of one (1) inch equals eight-hundred (800) feet, and shall show the following:
 - (A) The location of the master plan;
 - (B) Existing and tentatively approved streets and alleys within eight-hundred (800) feet of the master plan as shown on maps available through the planning administrator;
 - (C) Zoning designations within and adjacent to the master plan;
 - (D) All property lines within eight-hundred (800) feet of the master plan as shown on maps available through the planning administrator;
 - (E) All streams and public facilities such as schools and parks within eight-hundred (800) feet of the master plan; and
 - (F) Any other pertinent information that will assist in locating the master plan.
- (4) A detailed master plan, drawn to a scale of one (1) inch equals fifty (50) feet or larger, and clearly showing the following:
 - (A) North arrow;
 - (B) Topography at two (2) foot contour detail;
 - (C) The location and disposition of any existing structures, wells, creeks, drainage courses, drainage ways, septic tanks, drain fields, and easements within the master plan;
 - (D) The use and approximate footprint of all adjacent buildings within fifty (50) feet of the boundaries of the master plan;

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- (E) The location, names, and right-of-way widths of all streets and alleys abutting the master plan;
- (F) The location and widths of all streets, access points, and required pedestrian pathways within the master plan. Note typical cross section(s);
- (G) Lot layout with approximate dimensions of all lot lines and square feet contained in each lot;
- (H) Significant trees to be retained and removed. Note number of trees to be planted as part of the significant tree replanting plan (if applicable);
- (I) District perimeter setback;
- (J) Location of known open space areas. Note total required open space and the amount of open space that will be satisfied by applicable setbacks, buffers, and other required landscaping;
- (K) Building envelopes;
- (i) The buildable area within the parcel after required setbacks, buffers, open space, topography, environmental constraints, roadways, pathways, easements, and retained significant trees have been identified;
- (ii) Note the maximum proposed and/or allowable: ~~building square~~ footage (commercial and industrial), number of dwelling units (residential), phasing, height, and number of floors; and
- (iii) Note voluntary use caps proposed by the applicant (if applicable);
- (L) Phasing of project;
- (M) Note maximum number of required off-street parking stalls and area (three-hundred-fifty (350) feet per stall) based on the maximum requirement within the applicable zone or maximum requirement of the most intense use based on the voluntary use cap;
- (N) If parcels of land are to be sold within the development, any information not required by this section, but required for a subdivision tentative plan under SRC 63.040 shall be presented; and
- (O) If an application or master plan is incomplete or if the administrator requires additional information, the planning administrator shall notify the applicant in writing of exactly what information is missing and why it is required, within four (4) city working days of receipt of the

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application and allow the applicant to submit the missing information. The application shall be deemed complete upon receipt by the planning administrator of the missing information. If the applicant fails to submit the missing information, the application shall be deemed complete on the thirty-first (31) day after the planning administrator received the application.

XXX.XXX. LOT COVERAGE. Each lot, or the overlay district as a whole if developed as a single project, shall have at least twenty (20) percent of its gross area dedicated to open space. The district perimeter setback, other required landscaped yards, and other required landscaped areas may be included in the calculation to meet the twenty (20) percent open space requirement.

XXX.XXX. INDUSTRIAL PERFORMANCE STANDARDS. All manufacturing or associated work activities shall be conducted within a fully enclosed building (with the exception of outside storage, SRC 157.120).

XXX.XXX. OVERLAY DISTRICT PERIMETER SETBACK. The district boundaries shall conform to the following standards:

- (a) The district perimeter setback area is a twenty (20) foot buffer area measured from the district boundary.
- (b) No structures, parking areas, or signs are allowed within the district perimeter setback with the following exception: parking areas may encroach ten (10) feet into district perimeter setback Area C (figure XXX-1).
- (c) Structures taller than twenty (20) feet shall be set back from the twenty-foot (20) district perimeter setbacks one (1) foot for each foot of structure greater than twenty (20) feet in height.
- (d) Recreational equipment, furniture, and pedestrian pathways/sidewalks are allowed within the district perimeter setback.
- (e) A non-sight-obscuring eight (8) foot fence is permitted within the district perimeter set back area. The fence shall be integrated into the landscaping plan so as to minimize the visual impact of the fence within the landscaping.
- (f) Sight-obscuring fences, walls, hedges, or berms required in this code are not permitted within the district perimeter setback area.
- (g) Landscaped berms not greater than four (4) feet in height are permitted within the district perimeter setback.

XXX.XXX. OFF-STREET PARKING, LOADING AREAS, AND OUTDOOR STORAGE AREAS. Within the overlay district all uses shall meet the requirements of SRC chapter 133 as well as the following requirements:

(a) Off-Street Parking

- (1) A Transportation Demand Management program approved by the director of public works may satisfy up to fifteen (15) percent of

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the parking space requirements.

- (2) Bicycle parking at a ratio of one bicycle space for each twenty (20) vehicle parking spaces may satisfy up to three (3) percent of the parking space requirements.

(b) Outdoor Storage Areas. In addition to the requirements of SRC 157.120, the following standards apply:

- (1) An outdoor storage area may not be located within twenty (20) feet of the district perimeter setback Landscaping Areas A, B, or C (figure XXX - 1).
- (2) Outdoor storage areas larger than one (1) acre (43, 560 square feet) shall include interior permanent landscaping islands.
- (3) Maneuver areas and roadways within the outdoor storage areas for trucks and other warehouse equipment shall be dust free.

XXX.XXX. LANDSCAPING. Within the overlay district, all uses shall meet the requirements of SRC chapter 132 unless modified by the requirements of this chapter:

(a) Open Space.

- (1) Designated open space (excluding designated wetlands) where living vegetation has been removed or damaged, or where earth has been disturbed by the development process shall be landscaped with a mixture of trees, shrubs, hedges, turf, and vegetative ground cover.
- (2) No single tree species shall comprise more than thirty-four percent of new trees.

(b) Vertical Landscaping. Where building exteriors extend greater than seventy (70) linear feet without an opening (not including windows or personnel doorways) or articulation of the wall (a visible vertical or horizontal modulation of two (2) or more feet), vertical landscaping shall be provided to lessen the visual bulk of the facade.

- (1) A minimum of ten (10) planting units per seventy (70) feet of non-articulated building is required.
- (2) The vertical landscaping shall consist of seventy-five (75) percent shade, conifer/evergreen, or ornamental trees.
- (3) The landscaping shall be placed abutting, and centered within the non-articulated building frontage to lessen the visual bulk of the facade.

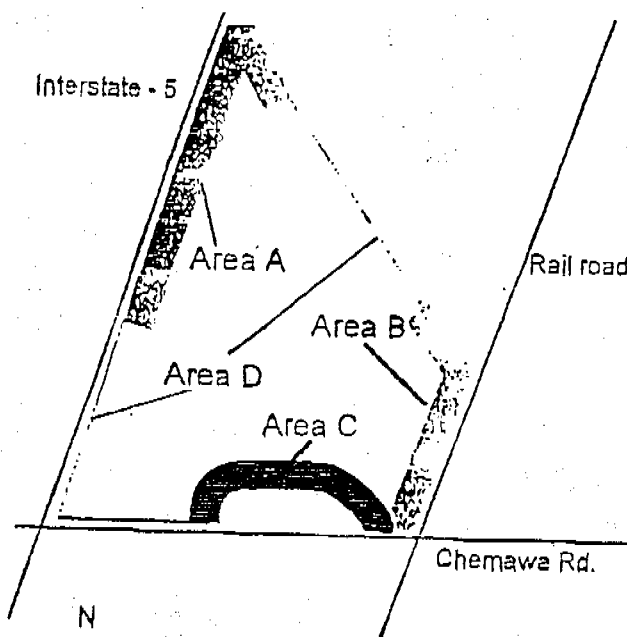
(c) The district perimeter setback (excluding designated wetlands) shall be landscaped with a mixture of trees, shrubs, hedges, turf, and vegetative ground cover in accordance with this chapter and SRC 132.

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- (1) Figure XXX - 1 identifies four (4) district perimeter setback landscape areas: Area A, Area B, Area C, and Area D. The minimum required landscaping for each area is as follows:

- Area A: One (1) planting unit (PU) per fourteen (14) square feet of district perimeter setback area.
 Area B: One (1) PU per sixteen (16) square feet of district perimeter setback area.
 Area C: One (1) planting unit (PU) per fourteen (14) square feet of district perimeter setback area.
 Area D: One (1) PU per twenty-five (25) square feet of district perimeter setback area.

Figure XXX - 1



Landscaping Areas

- Area A: 1,600-foot frontage on Interstate-5 and 300-foot frontage along the north district boundary.
 Area B: 300-foot frontage along the north district boundary, 900-foot frontage along the railroad.
 Area C: The road frontage connecting Indian School Road NE and Chemawa Road NE
 Area D: The remaining district perimeter setback areas not within Areas A, B, or C.

- (2) The planting units may be distributed or clustered within the identified landscaping areas in accordance with SRC 132 Table 132-3. If clustering of landscaping is utilized to create visual corridors within the district perimeter setback, no visual corridor shall be wider than one-hundred and fifty (150) feet. A visual corridor is an area with no or limited landscaping (less than one (1) planting unit per forty-nine (49) square feet) within the district perimeter setback. A visual corridor is measured along the axis of the landscaping area. It is the distance between a landscaped area consisting of at least twenty (20) planting units (with at least one (1) shade tree or two (2) conifer trees) to the next landscaped area within the district perimeter setback area with similar characteristics.

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- (3) The landscaping along the road frontage connecting Indian School Road NE and Chemawa Road NE (Area C) shall have street trees every fifty (50) feet within a planting strip separating the roadway and sidewalk.
- (4) Within fifteen (15) years of planting, all new trees shall provide canopy coverage to at least thirty-five (35) percent of the district perimeter setback area.
- (d) Interior Yard Vehicular Use Areas. A minimum of ten (10) percent of all parking lots shall be landscaped. The landscaping shall be distributed throughout the parking area within landscape islands and in accordance with SRC chapter 132.
- (1) Landscape islands shall have a minimum planting area of twenty-five (25) square feet with no dimension less than five (5) feet and be protected from vehicular damage by a minimum six (6) inch high curb.
- (2) Shade trees shall be distributed throughout the parking areas so that no parking space is more than thirty-five (35) feet from the trunk of a shade tree.
- (3) Turf, vegetative ground cover, or decorative bricks must completely cover the remainder of the required landscaped planting islands not covered by shrubs.
- (e) Loading Areas. All loading spaces, docks, doors, and bays shall be screened from the district perimeter setback and adjacent property by a sight-obscuring fence, wall, hedge, or berm at least six (6) feet in height.
- (f) Outdoor storage areas permanent landscaping islands shall:
- (1) have a minimum planting area of twenty-five (25) square feet with no dimension less than five (5) feet,
- (2) be protected from vehicular damage by a minimum six (6) inch high curb or barrier, and
- (3) have a minimum fifteen (15) planting units.
- (4) Six (6) planting islands are required for outdoor storage areas over one (1) acre. An additional planting island is required for each one-half (1/2) acre over one (1) acre.

XXX.XXX.

SIGNS. Within the overlay district all uses shall meet the requirements of SRC chapter 62. In addition:

- (a) Outdoor advertising signs as defined in SRC chapter 62 are prohibited.
- (b) Signs are not permitted within the district perimeter setback.

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(c) Freestanding signs as defined in SRC chapter 62.

- (1) Are allowed outside of the district perimeter setback area provided the sign are not visible from Interstate-5.
- (2) Maximum sign height is limited to ten (10) feet.
- (3) Signs must be ground mounted. The sign may be mounted on a landscaped berm no higher than four (4) feet in height for a maximum sign height of fourteen (14) feet above grade.

(d) Wall and parapet signs are allowed in accordance with SRC chapter 62. Signs visible from the district perimeter are limited to a maximum sign area of one-hundred-fifty (150) square feet or ten (10) percent of the area of the wall the sign is attached to, which ever is lessor.

(e) Temporary signs, balloons, banners, or sign displays are prohibited except in interior district areas which are not visible from the boundary of the district.

(g) Directional signs area allowed in accordance with SRC chapter 62 and this section.

XXX.XXX: TRANSPORTATION.

- (a) Pedestrian and transit connections. The overlay district shall have an internal pedestrian network connecting the primary buildings, automobile parking area, and open spaces. The pedestrian network shall provide direct connection to transit on Chemawa Road NE and to Indian School Road NE.
- (b) Development of a transit stop on Chemawa Road NE shall be addressed by the overlay district TIA.
- (c) The internal transportation network of the quadrant shall encourage and accommodate freight movement by truck and rail.

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62.XX. SIGN REGULATIONS FOR INTERCHANGE QUADRANT OVERLAY ZONES. In addition to other regulations applicable to signs within this chapter, the following limitations apply within the applicable Interchange Quadrant Gateway Overlay Zones:

- (a) Chemawa/I-5 North East Quadrant Gateway Overlay Zone, SRC chapter XXX, and as depicted on the official zoning map.
 - (1) Outdoor advertising signs are prohibited.
 - (2) Signs are not permitted within the district perimeter setback.
 - (3) Freestanding signs.
 - (A) Are allowed outside of the district perimeter setback area provided the signs are not visible from Interstate-5.
 - (B) Maximum sign height is limited to ten (10) feet.
 - (C) Signs must be ground mounted. The signs may be mounted on a landscaped berm no higher than four (4) feet in height for a maximum sign height of fourteen (14) feet above grade.
 - (4) Wall and parapet signs are allowed in accordance with SRC chapter 62. Signs visible from the district perimeter are limited to a maximum sign area of one-hundred-fifty (150) square feet or ten (10) percent of the area of the wall the sign is attached to, whichever is lessor.
 - (5) Temporary signs, balloons, banners, or signs displays are prohibited except in interior district areas which are not visible from the boundary of the district.
 - (6) Directional signs are allowed in accordance with SRC chapter 62 and this section.

CHAPTER 13

URBAN TRANSITION - UT ZONE

KUEBLER SOUTHWEST QUADRANT/I-5 INTERCHANGE LIMITED USE

Contents

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* Word defined in Chapter 49

13.00 PURPOSE. The UT (URBAN TRANSITION) zone is intended to retain and protect for future urban use properties which are undeveloped or underdeveloped and do not have available urban facilities such as sanitary sewer, water, drainage and streets. The zone allows the continuation of legally established uses and establishment of uses compatible with the plan designation. In areas planned for development relying on urban services transitional uses may be allowed which will not interfere with the efficient, later use of the land for planned urban uses.

The zone is appropriate in areas designated in the applicable urban area comprehensive plan for future urban residential development, but may also be used to protect lands designated for future commercial, industrial or public uses. In areas designated for urban residential development the residential density included in the zone is intended to be consistent with the average lot size of the immediate area. In areas planned for other uses the zone is intended to retain lot sizes conducive to efficient development of planned uses and prevent conflicts associated with development of additional dwellings.

13.01 USES. The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the UT zone:

- (a) Lawful uses existing on a property at the time of the effective date of this zone. Expansion or replacement of such uses is regulated by Section 13.02 (a).
- (b) Farm use*
- (c) The management or harvesting of forest products provided that harvesting of forest products which would otherwise be regulated under the Forest Practices Act if located in a forest zone shall comply with the requirements of the Forest Practices Act. Exceptions to Forest Practices Act requirements may be approved as a major adjustment under Chapter 41.
- ~~(d) The breeding, boarding, and training of horses.~~
- ~~(e) Child day care home* for 12 children or less.~~
- ~~(f) The following uses subject to the special standards in Chapter 26:~~
 - ~~(1) Home occupations* (see Section 26.20)~~
 - ~~(2) Wind energy conversion system (see Section 26.74)~~
- ~~(g) Uses permitted in chapter 25.~~
- ~~(h) A mobile home* subject to Section 13.30.~~
- ~~(i) Single family dwelling* subject to Section 13.30.~~
- (j) Public Utilities* providing services to the local area, such as utility substations, pump stations, reservoirs and low voltage (57 KV or less) electrical transmission lines.
- ~~(k) Signs (see Chapter 31).~~

13.02 CONDITIONAL USES. The following uses may be permitted subject to obtaining a conditional use permit and compliance with Section 13.30.

- (a) Expansion or replacement of a use permitted under Section 13.01 (a). A conditional use permit is not required to expand or replace a single family dwelling or mobile home if it is determined: (1) the dwelling or mobile home meets the setback and height standards of the UT zone, or is no more non-conforming than the existing dwelling or

~~Redline~~ = Uses deleted

Bolded Underline = Uses moved to Conditional Use

Bolded = Additions

mobile home; (2) there is only one dwelling or mobile home on the lot; (3) the subject dwelling or mobile home has been occupied within the past 12 months; (4) in the case of replacement, the dwelling or mobile home, if not placed on the same footprint, shall be located in such a manner than any significant unused portion of the property has adequate development options and development options on adjacent properties are not significantly restricted. Consideration shall be given to the planned location of public facilities and services in siting a replacement dwelling or mobile home. A mobile home may be replaced only with a mobile home and the replacement mobile home shall meet the requirements in Section 26.903(a).

- (b) Commercial activities in conjunction with farm or forest use subject to Section 13.03 (f).
- (c) Exploration, and processing of geothermal, or other subsurface resources not used exclusively in conjunction with farm or forest management (see Section 26.75 and 26.76). Surface mining is included subject to Chapter 32.
- (d) Public or private power generation facilities (see Sections 26.73, 26.74, 26.75, and 26.76).
- (e) Kennels*.
- (f) Temporary homes for the infirm subject to Chapter 32.
- (g) Solid waste disposal sites subject to Chapter 32.
- (h) Transmission towers* and Transmission facilities*.
- (i) Public parks and playgrounds.
- (j) Religious organizations* (see Section 26.60).
- (k) Public Golf courses (SIC 7992) and golf related recreation identified in SIC 7997 and 7999 (see Section 26.32).
- (l) Elementary and secondary schools. SIC 8211 (see Section 26.32).
- (m) Public buildings and structures such as libraries, fire stations and public utilities*.
- (n) Civic, social and fraternal organizations. SIC 864.

- (c) Child day care center* in an existing dwelling (see Section 26.22).

(P) Uses, allowed outright or conditionally, in the most restrictive zone consistent with the land use designation.

13.03 CONDITIONAL USE CRITERIA. In order to grant approval for a conditional use listed in section 13.02 the criteria in this section must be found to be satisfied:

- (a) The use will not increase traffic beyond the capacity of existing roads.
- (b) If the use will remain after the area is urbanized it will: 1) be located in such a manner that any significant unused portion of the property has adequate development options, and 2) not restrict development options on adjacent properties.
- (c) The use can utilize rural services or the City and County have approved use of existing urban services.
- (d) The use and related structures and improvements meet the development standards of the most restrictive zone (other than the UD, UT, or UTF zones) consistent with the applicable comprehensive plan designation; or the city concurs and, if the city requests, conditions are imposed that require the structures and improvements to be brought into conformance with city zoning regulations upon annexation.
- (e) The most restrictive zone used in the applicable comprehensive plan designation (other than the UD, UT, and UTF zones) lists the proposed use as a permitted or conditional use; or the city concurs and, if the city requests, conditions are imposed which require that the use be brought into conformance with city zoning regulations upon annexation.
- (f) In order to qualify as a commercial activity in conjunction with farm or forest use the use or activity must meet one of the following criteria in addition to the criteria in (a) through (e):
 - (1) Preparing farm or forest ground, starting and fostering the natural growth of the agricultural or forest product, and harvesting and transportation of harvest produce or timber including primary processing and packaging necessary to warehouse or ship agricultural produce, when 51 % or more of the service is provided to lands not owned or leased by the service provider.

- (2) Secondary processing converting a primary agricultural or forest product into another marketable product, and transportation of these products.
- (3) Sale of farm products, after primary processing, on a premises where less than 51% of the farm product was raised, and the products sold were raised in Marion County or an abutting county; and, sale of farm products after secondary processing.
- (4) Repair and sale of used equipment, and manufacture or sale of farm or forest supplies, when associated with the activities in (1) and at least 51% of the customers will be Marion County residents.

13.04 PROHIBITED USES. Within an UT zone no building, structure, vehicle or land shall be used, erected, structurally altered, or enlarged for any use not permitted under Section 13.01 to 13.03.

13.10 DEVELOPMENT STANDARDS. The standards and regulations in this chapter and the additional standards and regulations referenced in Chapters 26 through 34 apply to all lots, structures and uses unless indicated otherwise. If city standards are adopted by the Board the city standards shall apply. No structure or use shall be approved until all requirements in this chapter have been satisfied.

The provisions of this chapter are complementary and supplementary to other provisions of this ordinance. In the event of a conflict between a provision of this chapter and a more restrictive provision of this ordinance applicable to a particular lot, structure or use, the more restrictive provision shall apply.

13.11 HEIGHT. Within a UT zone the maximum height limit is 35 feet for dwellings and conditional uses. Other buildings and structures shall not exceed 45 feet in height. Greater height may be requested and approved as a conditional use.

13.12 FRONT YARDS AND YARDS ABUTTING STREETS. Within a UT zone the following front yard and yards abutting streets or roadways shall be provided:

- (a) Along the full extent of each front lot line and lot line abutting a street or roadway, there shall be a required yard 20 feet in depth.
- (b) Yards for accessory structures shall be subject to the requirements of Chapter 28.

13.13 INTERIOR SIDE YARDS. Within a UT zone the following side yards shall be provided:

- (2) Secondary processing converting a primary agricultural or forest product into another marketable product, and transportation of these products.
- (3) Sale of farm products, after primary processing, on a premises where less than 51% of the farm product was raised, and the products sold were raised in Marion County or an abutting county; and, sale of farm products after secondary processing.
- (4) Repair and sale of used equipment, and manufacture or sale of farm or forest supplies, when associated with the activities in (1) and at least 51% of the customers will be Marion County residents.

13.04 PROHIBITED USES. Within an UT zone no building, structure, vehicle or land shall be used, erected, structurally altered, or enlarged for any use not permitted under Section 13.01 to 13.03.

13.10 DEVELOPMENT STANDARDS. The standards and regulations in this chapter and the additional standards and regulations referenced in Chapters 26 through 34 apply to all lots, structures and uses unless indicated otherwise. If city standards are adopted by the Board the city standards shall apply. No structure or use shall be approved until all requirements in this chapter have been satisfied.

The provisions of this chapter are complementary and supplementary to other provisions of this ordinance. In the event of a conflict between a provision of this chapter and a more restrictive provision of this ordinance applicable to a particular lot, structure or use, the more restrictive provision shall apply.

13.11 HEIGHT. Within a UT zone the maximum height limit is 35 feet for dwellings and conditional uses. Other buildings and structures shall not exceed 45 feet in height. Greater height may be requested and approved as a conditional use.

13.12 FRONT YARDS AND YARDS ABUTTING STREETS. Within a UT zone the following front yard and yards abutting streets or roadways shall be provided:

- (a) Along the full extent of each front lot line and lot line abutting a street or roadway, there shall be a required yard 20 feet in depth.
- (b) Yards for accessory structures shall be subject to the requirements of Chapter 28.

13.13 INTERIOR SIDE YARDS. Within a UT zone the following side yards shall be provided:

- (a) Side yards shall be at least 5 feet or comply with the side yard requirement for the most restrictive zone used in the applicable Comprehensive Plan designation, which ever is greater.
- (b) Yards for accessory structures shall meet the requirements of Chapter 28 except farm animals and related structures shall not be located closer than 100 feet from a side lot line abutting a residential zone.

13.14 INTERIOR REAR YARDS. Within a UT zone the following rear yards shall be provided:

- (a) 24 feet for any single family dwelling and for any portion of any other building not more than 15 feet in height; and 30 feet for any portion of a building greater than 15 feet in height other than a single family dwelling.
- (b) Yards for accessory structures shall meet the requirements of Chapter 28 except farm animals and related structures or animal waste storage shall not be located closer than 100 feet from a rear or side lot line abutting a residential zone.

13.20 LANDSCAPING. Within a UT zone:

- (a) All portions of required yards lying between a street or roadway and the primary building or between the street or roadway and any sight-obscuring fence, wall or hedge located within the required yard shall be landscaped.
- (b) All required landscape areas shall be landscaped as provided in Chapter 29.

13.30 GROWTH MANAGEMENT. The Comprehensive Plan policies applicable to lands in the UT zone anticipate future city annexation and extension of public facilities and services to lands intended for residential, commercial or industrial use. To facilitate an orderly transition to efficient urban development regulation of land divisions and development proposed prior to urban development is necessary. The development regulations and standards in Sections 13.31, and 13.32 shall apply to land in the UT zone.

13.31 DIVISIONS OF LAND.

- (a) A series partition, subdivision, residential planned development or other residential development of a lot, as the lot existed upon application of the UT zone, that results in the division of land into 4 or more lots intended to be occupied by dwellings or mobile homes is not permitted in the UT zone.

(b) The following regulations shall apply when lot line adjustments and partitioning of land regulated by the Subdivision and Partitioning Ordinance, are proposed:

- (1) Additional street right-of-way required by adopted standards shall be dedicated along the street frontage of any lot 10 acres or less in area that is part of a partition or lot line adjustment. Street and drainage improvements within the dedicated right-of-way shall be deferred until otherwise required by the county, or by the city following annexation. A non-remonstrance agreement for future road or drainage improvements within the right-of-way abutting the lot may be required.
- (2) The location of lot lines shall not significantly reduce feasible options for the future location of urban streets or utility services, or preclude development options on the property or adjacent properties.
- (3) When a lot occupied by a residence is reduced, or a lot is created to accommodate a new residence allowed in Section 13.32, the lot should be as small as possible and should not be larger than 1 acre. If a lot of 1 acre or less is not feasible the lot should either contain all of the undeveloped land or be large enough that the urban development potential will be a significant incentive for the owner to develop to planned urban uses when the lot is annexed.
- (4) When a new or adjusted lot located in a residential plan designation is smaller than 5 acres and larger than 1 acre a redevelopment plan shall be required demonstrating that the lot can accommodate future subdivision development at the median density proposed in the Comprehensive Plan. The Zoning Administrator shall submit the plan to the city for review and comment. If no response is received within 10 days, or such additional time as requested by the city, the city will be deemed to have no concerns with the proposed redevelopment plan.

The redevelopment plan is only for the purposes of identifying a feasible means to subdivide the property and to identify an appropriate location for residences, and does not limit consideration of other development options when urban services are available.
- (5) Minimum standards for lots located in a residential plan designation are:
 - (a) New lots shall have no dimension less than 100 feet.

- (b) New lots shall have not less than 100 feet of frontage on a dedicated street which shall have a right-of-way width of not less than 40 feet.
- (6) When a lot located in a residential plan designation and occupied by a non-residential use is created or altered, the lot should include as little undeveloped land suitable for residential uses as possible, unless evidence is presented that undeveloped land needs to be included in the lot to accommodate allowable expansion of the subject use.
- (7) The minimum lot size, in acres, for lots in non-residential plan designations is the numerical suffix added to the UT zone (i.e. 1 acre, 3 acres, 5 acres, 10 acres or 20 acres), or if no suffix is added - 5 acres.
- (8) Notwithstanding the regulations in 13.31(b) (3) through (7) above, a land division which follows a plan designation boundary and which separates parcels that have a split land use designation into an individual for each land use designation may be allowed.

13.32 DEVELOPMENT LIMITATIONS AND REQUIREMENTS.

- (a) **Mobile Home Development.** No new mobile homes are permitted unless the property is designated for residential development in the comprehensive plan and the most restrictive county zone used in the plan designation (other than the UT, UTF, and UD zones) would permit a mobile home on a lot as an outright permitted use or a conditional use. Approval of a mobile home shall be subject to the applicant signing an agreement requiring removal of the mobile home if the property is subsequently placed in a zone that does not permit mobile homes.
- (b) **Dwelling Development.** No new dwellings are permitted unless the area is designated for residential development and the most restrictive county zone used in the Plan designation (other than the UT, UTF and UD zones) would permit the dwelling as an outright permitted use or a conditional use.
- (c) **Residential Density.** On lots designated for residential development no more than one dwelling unit or mobile home shall be allowed per 5 acres unless a numerical suffix is added to the zone altering the allowable density to no more than one dwelling unit or mobile home per 1, 3, 10 or 20 acres. The number of dwellings allowed shall be based on the size of the lot at the time the UT zone first applied to the property.

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- (d) **Siting of Dwellings.** If a new dwelling is allowed on a lot of more than 1 acre and less than 5 acres, and the lot is designated for residential development, the dwelling shall be located in conformance with a redevelopment plan. The redevelopment plan shall demonstrate that the lot can accommodate future subdivision development at the median density proposed in the Comprehensive Plan. The Zoning Administrator shall submit the plan to the city for review and comment. If no response is received within 10 days, or such additional time as requested by the city, the city will be deemed to have no concerns with the proposed redevelopment plan.
- (e) **On-site sewage disposal.** The following conditions shall be met prior to the approval of a use or residence relying on an on-site system for wastewater disposal.
- (1) The property shall not lie within the boundary of a sewer service district unless allowed in writing by the City.
 - (2) The property must lie more than 100 feet in a straight line from any existing sewer line which can be extended to the property to provide gravity sewer service, unless the city agrees in writing to allow on-site sewage disposal.
 - (3) The property shall not be served by a city or district water system.
 - (4) The property shall have no width or length less than 100 feet.
 - (5) The property shall have not less than 100 feet of frontage on a dedicated street which shall have a right-of-way of not less than 40 feet.
 - (6) Applicant shall have obtained from the County Sanitarian a favorable site evaluation to install an on-site sewage disposal system or DEQ approval for another type of sewage disposal.
 - (7) The applicant shall sign an agreement with the city agreeing to connect the subject development to the public sewer system when the system comes to within 300 feet of the property and can provide gravity service.
 - (8) The property owner shall provide a signed non-remonstrance agreement with the city for future annexation and sewer or water service by the city.

- (9) The requirements in (4) and (5) do not apply to lots legally created before the applicable city comprehensive plan was first acknowledged or in the case of the Salem/Keizer Urban Growth area before August 1, 1981.
- (f) Residences on pre-existing lots. Notwithstanding subsection (c) a single dwelling or mobilehome is permitted on a lot legally created prior to the date the city comprehensive plan was originally acknowledged by LCDC, or in the case of the Salem/Keizer Urban Growth area before August 1, 1981, provided the lot and development complies with all other requirements of this Section.

13.40 INFORMATIONAL REFERENCE TO ADDITIONAL STANDARDS. Additional use and development standards may be found in the following chapters:

Floodplain Overlay Zone
Greenway Overlay Zone
Airport Overlay Zone
General Development Standards & Regulations
Development Standards for Secondary,
Accessory, and Temporary Structures
Landscaping
Off-Street Parking & Loading

Chapter 19
Chapter 20
Chapter 21
Chapter 27

Chapter 28
Chapter 29
Chapter 30

SALEM PLANNING COMMISSION/MARION COUNTY PLANNING COMMISSION
JOINT WORK SESSION
November 14, 1995

ATTENDANCE: Holly Getter, Paul Ferder, Ken Nolan for Salem;
(Nick Coffey, George Miller arrived later)
Gery Rychar, Jake Stockfleth, Roger Vasend for Marion County;
Marty Matiskainen, President, Keizer Planning Commission.

STAFF: Kenn Battaile, David Forte, Mark Becketel, Sterling Anderson.

1. **CALL TO ORDER**

Vice Chair Holly Getter called the meeting to order at 7:30 p.m.

2. **APPEARANCE OF INTERESTED CITIZENS**

None.

3. **WORK SESSION**

3.1 **Interchange Studies**

Associate Planner David Forte gave a brief overview of the process to date, as was done at the last joint session. Copies of the overhead transparency materials were distributed. Mr. Forte reviewed the Staff Report of 11/14/95 that was distributed previously to the members of the Commissions. Staff asked the Commissions to accept the staff reports submitted to date and to direct the staff to proceed with further planning in specific areas.

1) Chemawa/I-5 Interchange Study

Mr. Matiskainen reported that the Keizer Planning Commission held two public hearings. The area they are involved in is west of the I-5/Chemawa Activity Center. North of Chemawa Road has been fairly well planned; south of Chemawa has vacant land and they are focusing on this area. They are particularly interested in the triangle space between the Burlington Northern tracks and I-5 which is owned by the Bureau of Indian Affairs.

Mr. Ferder asked if there were an interest by Keizer to coordinate a master plan with the City & County. Mr. Matiskainen responded that there was interest and this had also been expressed in the public hearings.

2) Kuebler/I-5 Interchange

Sterling Anderson, Marion County Principal Planner, reviewed a summary he prepared of the County's position, expectations of the process, and a summary statement of the basic planning concepts. If this is satisfactory, he asked for approval by the County commissioners and then would pass this onto the City. Mr. Vasend commented on the comment regarding landscaping/parks and indicated that the interchange was not an appropriate place for parks, but is appropriate for an open space or landscaping. Mr. Finklea suggested *consider the following elements* be substituted for the present language. Mr. Finklea directed staff to proceed with this tacit approval; Mr. Anderson noted that recent communication with Ms. Howells was approving.

Ms. Getter reported that the City had not yet reached a similar summary stage. Mr. Coffey reported that the Salem Planning Commission accepted the report as a basis for further work, not accepting all the plan details but using this as a basic starting place. Mr. Ferder concurred and elaborated on the plans to set up public forums as another tool to fine tune the future planning. Mr. Nolan noted that the only difference between the Salem Planning Commission's understanding and the County's memo was that the Salem Planning Commission accepted the basic information that *should/will serve as a database*.

Mr. Finklea commented that staff has addressed all concerns brought up at the last meeting and the basic conclusion in Item 10 is clear, that the plan needs to be accepted and direct the staff to move forward with further planning. He suggested revising the memo language to read *that serve as a database*.

Mr. Coffey indicated that time is of the essence and the Salem Planning Commission felt staff work to provide a good basis to go on with the planning.

Mr. Anderson responded to Mr. Finklea in describing why this issue was coming before the commissions when it was not yet completely finetuned; staff desired a midpoint correction to verify that they were going in the right direction before pursuing further planning efforts. Mr. Forte indicated that the time schedule will be altered as work is directed in specific quadrants.

Mr. Finklea commented that discussion was raised by the special plan districts and the mixed-use zones items in the study and asked staff to elaborate further on how these issues would be developed.

3.1 Accept Studies

Commissioner Stockfleth moved that the Marion County Planning Commission accept the studies as presented as a basis for future planning; seconded.

THE MOTION CARRIED UNANIMOUSLY

4 YES 0 NO

Commissioner Ferder moved that the Salem Planning Commission accept the studies as presented as a basis for future planning; seconded.

THE MOTION CARRIED UNANIMOUSLY

4 YES 0 NO

3.2 Accept Basic Planning Concepts

Mr. Forte reviewed page 8 of the Staff Report. The basic planning concepts are contained in the staff reports and the studies. Any revisions by the commissions will be the directives for future staff work, what elements would you want staff to further refine.

Mr. Anderson referred the commissioners to the "Vision of Studies" section on page 3 as an expression of the basic concepts, which are then expanded upon further in the introduction section of the studies.

Mr. Finklea asked for elaboration on the mixed use concept. Mr. Forte responded that this referred to what mixture of uses would be included in light of the use as an interchange: neighborhood-oriented mixed use of retail with some wider use, such as a hotel. The vision of how to mix that up will be addressed in the follow-up planning.

Mr. Ferder noted it was difficult to visualize any direction without having the public's input. After acceptance of the study, the next step needed to be public input, then the commissions would be in a position to discuss possible plan modifications. Mr. Vasend concurred. Mr. Finklea talked about the within-and-between quadrants concept and how the process would tie together. Mr. Forte noted that the last element that must be addressed is "consistency". Details specific to each quadrant need to be addressed individually so as to not be overlooked in general discussions, but there was a definite need to keep the whole picture in mind.

Mr. Anderson gave an example of the planning process as being like a jigsaw puzzle, with the quadrants being pieces that will be brought into the whole as issues are resolved and basic concepts are refined. Mr. Nolan responded that the study did that in zones already, and now public input quadrant by quadrant was needed. Mr. Stockfleth concurred.

Mr. Forte said that acceptance of the basic planning concepts and direction to go forward with quadrant planning and adoption by quadrant is how the staff envisioned the progression.

Consensus of both Commissions was to accept the basic planning concepts contained in the Staff Report dated 11/14/95.

3.3 Follow-up Planning

Mr. Forte indicated that a flow chart outlining the process by quadrants will be distributed. Notification from this point on was to establish the planning process and make one mass mailing to the study areas, establishing mailing lists of interested persons by quadrant. Staff will continue working with the County and City portions of the study, and will not be involving Keizer at this time. Mr. Matiskainen wished Keizer to be involved in the planning process, especially with those issues involving the east side of I-5, but Keizer may have to proceed more directly in the NW and SW quadrants.

Mr. Ferder questioned how much input Keizer wanted from the other bodies in planning within their jurisdictions. Mr. Matiskainen felt starting as a whole group in the NW quadrant would make the citizens of Keizer happy. Mr. Anderson noted that coordination also needs to be made with ODOT and DLCD, especially with the transportation element and transportation impact studies, so that the final results might find easier acceptance.

Mr. Forte indicated that staff will be issuing an updated timeline in the near future.

3.4 Mixed Use Letter

Marion County Commissioners approved the 11/14/95 letter to Mr. Blanton of DLCD [EXHIBIT 1] as presented by staff and amended by the Commissioners.

Commissioner Coffey moved to accept the 11/14/95 letter to Mr. Blanton of DLCD [EXHIBIT 2] as presented by staff, seconded.

THE MOTION CARRIED UNANIMOUSLY

5 YES 0 NO

(Mr. Miller was present at this vote)

The work session was adjourned at 8:45 p.m.

MINUTES OF JOINT MEETING
SALEM PLANNING COMMISSION/MARION COUNTY PLANNING COMMISSION
September 19, 1995

SALEM COMMISSIONERS

George Miller
Holly Genter
Dart Goss
Sandra Talbert
Paul Ferder
Ken Nolan

COUNTY COMMISSIONERS

John Finkles
Lawrence Foster
Claudia Howells
Rosalie Pedroza
Gary Rychard
Roger Vasend
Robert Zielinski, Jr.

STAFF PRESENT

Paul Lee, City
David Forte, City
Bill Healy, City
Mark Becktel, City
Kenn Bataille, City
Sterling Anderson, County
Deb Meaghers, Staff Asst.

1. **ROLL CALL**

President George Miller called the joint meeting to order at 7:05 p.m. Salem Commissioner Nicholas Coffey was absent; Marion County Commissioners Jane Kanz And Jake Stockfleth were absent.

2. **APPROVAL OF RESOLUTIONS, MINUTES, AND REPORTS**

2.2 **Reports of Committees and Officers**

President Miller reminded the Salem commissioners of the upcoming housing subcommittee meeting.

3. **APPEARANCE OF INTERESTED CITIZENS, NEIGHBORHOOD ORGANIZATIONS AND ADVISORY COMMITTEES**

No testimony offered.

4. **PUBLIC HEARINGS**

President Miller opened both public hearings at 7:10 p.m.

4.1 **Chemawa/I-5 Interchange Study**

David Forte, Associate Planner, entered the Study into the record. The land-use studies were undertaken because these two interchanges are the only remaining undeveloped interchange areas and allows an opportunity for future planning. He noted that discussion tonight would be focused on the northeast and southeast quadrants. City of Keizer issues would not be covered at this meeting but would be addressed at a future meeting. Mr. Forte reviewed the background of the processes used in the study, and provided an overview of the study's suggested zoning redesignations. He indicated the key issues involved infrastructure needs and the integration of Chemawa Indian School's 20-year plan.

Larry Glascock, SEDCOR, 350 Commercial NE, Salem: Speaking to both studies, he commended staff and the consultants for the work done on the studies and reported that he felt the process was open and everyone was offered opportunities to express concerns. SEDCOR would appreciate an opportunity to continue its involvement with any further work. SEDCOR is vitally concerned about the rapid reduction of industrial lands, and these recommendations do not further reduce the inventory and actually offer a slight increase. They are concerned about transportation in the truck routes at Fairview Park, and feel Option 4 is preferred. The Kusbler NE quadrant will need full extension of the infrastructure. They have some concern about the Kuebler SE quadrant and the recommended restriction of 36th Street for access to the industrial area. In the Chemawa NE quadrant, SEDCOR is concerned about access to the newly designated industrial area and feels there needs to be further refinement from Chemawa Road to the industrial area.

No other testimony on this matter was offered.

4.2 Kuebler/I-5 Interchange Study

David Forte entered this Study into the record. This area was also divided into four quadrants and each was addressed separately. He reviewed the study's public processes and gave a brief overview of the suggested zoning redesignations. Currently the NW quadrant is residential, and the plan recommends redesignations to industrial, single-family, multi-family, mixed-use and openspace zoning; however, there is no Mixed Use Zoning classification in the Salem zoning ordinances. The SW quadrant is recommended for continuation of commercial zoning, with a combination of multi-family and single-family residential zones, but there is concern over potential noise problems with the proximity of I-5. The NE quadrant is currently zoned industrial and developing residential. The recommendation is the same for the eastern portion; openspace within the Mill Creek floodplain, retail and park-n-ride options, with multi-family and single-family designations. Mr. Forte indicated that the issues here are openspace designations and the mechanism for implementation, concern over the existing industrial uses being able to continue, and whether the commercial zone is big enough. The SE quadrant is currently zoned industrial, with developing residential and state correctional facilities. He reported the area below the ridge is industrial/commercial; above the ridge is residential. He indicated the issues raised by the neighborhood association concern industrial designations and the association is working with Marion County on these concerns. The options for truck routes out of the Fairview Industrial Park are also issues within this study.

Staff recommend that the project studies be sent forward to the respective authority bodies for their information and also to establish an adoption process for each quadrant as recommended in the Staff Report. Staff also requested that the transportation recommendations be sent to Public Works for inclusion in their current transportation plan revisions.

Mark Hildebrandt, 3311 Marietta Street SE, Salem: He owns 21 acres in the SE quadrant, currently zoned IG. The study recommends rezoning this to multi-family. He would ask that not to happen as he has developed this land as a storage area for the specialized trade of his house-moving company and the new zoning would leave only a 5-acre parcel, now in a wetland-type area; his business then would be nonconforming if they chose to further develop their property as was originally planned.

Everett Clark, 2832 Marietta St SE, Salem: He entered his written testimony into the record [EXHIBIT 1], and then read from that testimony. He owns 40 acres in the NW quadrant. He feels the single-family designation is inappropriate; desires that the recommendation for truck traffic contained in the report be followed; desires that the market be allowed to dictate the ultimate uses within the flexible "mixed use" zoning; desires that existing landowners not be required to rezone at the time of plan adoption; requests that installation of services and utilities to this area be set as a high priority; and requests that the follow-up planning sessions not be allowed to deviate largely from this plan and essentially reopen the entire study process.

Marlene Knieling, 3791 Wiltsey Road SE, Salem: She lives 300 feet from the land being considered for zone change in the SE quadrant. She wished to express concern that her land, which is listed as a wildlife habitat, is not being considered fully in this plan with its recommendation of industrial rezoning. She read from several sources concerning the endangered habitat of the rough-skinned newt that lives within her property borders, as well as the dirt and pollution that affect her fresh food business. She stated she has also found Native American artifacts on her property.

Commissioner Howells asked if her property was addressed in the environmental study or if she had even seen this study. She stated she had not, but she did attend the study sessions.

President Miller asked her to elaborate on her specific concerns. She is concerned over the industrial development as the land is currently zoned industrial and is recommended to be rezoned as developing industrial.

Bill Whitehead, 5553 Mark Court SE, Salem: He reported his neighbors were not involved in the earliest sessions as they are outside the city limits, and requested the issue of notification to county residents be addressed. He stated his first concern was the truck routes as 36th Street south of Boone and south of Kashmir to Langley abuts the Tanglewood development and would create industrial/residential traffic conflict. His second concern was that Tanglewood currently only has one ingress/egress, and the study proposes that any future residential development would also use this access which would cause traffic safety issues as there are no sidewalks and curbs in place. Another concern is that the planned industrial area is not now so designated, but is UT-10, and he does not feel industrial zoning is an acceptable designation for that area that currently is zoned agriculture and light commercial mixed with residential.

Wallace Lien, Attorney, Salem: He represents Mr. & Mrs. George Clark who own property in the SW quadrant. He entered his written testimony into the record [EXHIBIT 2]. His clients support the concept of sending the study off for further review and would welcome the opportunity to work with planning staff, as they have garnered a good deal of information in the process of determining future development possibilities for their property. They would prefer to see the residential area be the 5 acres adjacent to the Foxhaven development rather than the multi-family designation recommended. He indicated noise would be a significant issue for the designated multi-family housing in that area. The commercial area could be expanded, as it would not be hampered with the freeway noise, and could then act as a buffer for the adjacent residential areas.

Tim Brooks, 4890 32nd Avenue SE, Salem: He lives in the SE quadrant and is the representative of SEKA. He expressed a need for long-range planning to ensure the quality of life and wildlife habitat. He commended the work done so far but wanted to underscore that any decisions made will be permanent with long-term effects and thus required lots of time and effort.

President Miller asked how the neighborhood association would like the land to be used, keeping in mind that the area is within the UGB and will be developed eventually. Mr. Brooks responded that this is a young organization and they are still weighing those decisions and have made no final decisions yet.

Jim Nicholson, 4645 27th Avenue SE, Salem: He has lived in the NW quadrant for 25 years and his family has owned land there for 75 years. He has noted increased traffic in the last five years. To solve the traffic issue on 27th Street, perhaps the Marietta option is best. He asked the commissions to not proceed on the actions until all the variables were understood. He indicated there is a danger of creating a commercial glut at 27th and Kuebler, and he has concerns about maintaining their quality of life.

Frank Nelson, 5556 Serenity Drive SE, Salem: He is the Chair of the Southeast Kuebler neighborhood association (SEKA). He stated they would like to see farming remain a significant land use well into the future, so compatible uses such as large-lot residential, nurseries, veterinary centers, etc., are welcomed but no asphalt plants. They feel the recommendations are opposed to the long-term uses found in this area. He noted that 36th Street is the only ingress/egress for the neighborhood so any major land-use changes that affect 36th Street will affect all the neighbors. He reported that input from neighbors in this area was not solicited. They feel it is logical to develop a residential area in the ridge, but also feel the transportation plan negates the benefit of this. They feel this rural agricultural neighborhood has been developed as was originally planned and would like to retain that character. They would request to be part of the planning, which was the reason to create this neighborhood association, and feel this study needs considerable more work.

Michael Grimshaw, 2055 Summer St. SE, Salem: He owns property at 4865 32nd Avenue SE in the SE quadrant and was alerted to these meetings by the posted road sign. He stated he bought this property on speculation for a future development, and he wants to be able to develop his industrial land with services being available.

Nancy Wollstair, 5098 Cultus Avenue SE, Salem: She noted it is a mile from Kuebler to Commercial, and development would require widening the road again, that the newly-opened fire station would be soon inadequate, and that there would be more cruising and more vandalism. She feels that the plan does not take into consideration quality-of-life issues. She would like to have seen better notification to property owners.

Karen Morrison, 3861 Wiltsey Road SE, Salem: She lives in the SE quadrant and found out about the study from the posted road sign; no other information was made available, no notification was sent to many affected neighbors. She was told the study would focus on industrial, but no results of the participant surveys are contained in the report. She quoted from Page 11 of the study regarding quality-of-life issues. She showed photographs taken from her home to demonstrate that the industrial property would not be hidden. She feels the land is fully developed to its maximum potential currently. She reported that noise is a significant factor currently, so she is concerned about the noise conflict with any future residential development. She expressed concern over the industrial developments affecting food quality and that the current narrow roads pose fire protection problems which would be intensified. She would envision using the wetland areas as greenspaces, golf courses, or parks. She is concerned over the safety of the truck routes. When they purchased this property, they checked the zoning with Marion County and found that the surrounding land was zoned mostly RA and RS; then UT was put in and defined as a holding zone designation. She stated she was originally told this was to be a 20-year plan, but now finds implementation is planned for as early as 1996. She asked if Salem is truly the hub for agriculture as the plan reports, why are we reducing agriculture lands for industrial use. As vice-chair of SEKA, she would like to see all quadrants adopted as a whole.

William Power, 3841 Wiltsev Road SE, Salem: He spoke to the wetland designation issues, which he reported were contained in 1-2 sentences of the study. He reported the SE quadrant has more than 10 percent wetlands and the NE quadrant percentage is higher, but there is no mention of this in the study. Three areas each with a portion of wetlands have been recently filled. He wondered how federally-designated wetlands are addressed in this plan as well as how they are addressed by current ordinances.

Clark Seelav, 2790 Foxhaven Drive SE, Salem: He stated that in the SW quadrant all of the area is now developed or in the process of development all the way to I-5. Sunset Meadows is a new development process south of Foxhaven and comprises many families currently residing in the area. This quadrant was characterized as essentially a County issue, but much of the pressure for residential use or retail/light commercial use in the plan comes from city residents, so he would like the City's involvement in this area as well. He thinks it is important that any future efforts for the entire westside area be studied concurrently. He commended both commissions for working through the process jointly.

Tom Church, 5573 Lloyd Court, SE: He stated he had not planned to speak until President Miller lectured SEKA members on effective lobbying. He feels that if the visions of the neighborhood association and the commissions don't agree, that the residents' vision is perceived as being incorrect. He feels the matter should be viewed from the residents' idea not the commissions' view.

Joanne Power, 3841 Wiltsey Road SE, Salem: She testified that we are custodians of the finest agricultural land in the world and she is concerned how the plan addresses the future of that land.

Commissioner Howells asked why Keizer was not involved in the Chemawa study tonight. Mr. Forte replied that Keizer will be addressing the issue independently as their issues are significantly different than those within the incorporated areas. Kenn Bataille, Long Range Planning Manager, noted that this deals largely with jurisdictional levels. As this is not a regional issue, the City and County have no responsibility in Keizer's process, that it has independent jurisdictional prerogative to adopt any changes to its comprehensive plans. This was not identified in the comp plan as a regional issue.

Upon resuming the hearing after a recess, President Miller explained to the participants that the UGB is at Wiltsey Road, 1/4 mile south of the area of study. All of this area up to Wiltsey Road will eventually become part of the City of Salem and will probably be developed at current residential densities, typically 7-8 homes per acre for single family and 12-25 living units per acre for multi-family. He noted that the pressure on owners of available lands becomes enormous when they are offered amounts of \$5-12 per square foot to sell. The neighborhood association needs to be prepared to discuss its vision for the future of the area with city agencies to be most effective in the planning process.

Brad Pence, 775 Front St NE, Salem: He represents a partnership that owns 14 acres in the SE quadrant between Kuebler and Boone Road and I-5 and Turner Road. He wanted to express support for the recommended redesignations. His property was purchased specifically for development of a distribution center as it offered access at I-5 to all parts of Salem and the mid-valley. This property has been listed on the Comp Plan since 1982 for industrial development, and topography, access, and noise factors make this area ideally suited for industrial development. He would ask the commissioners to take a serious look at any rezoning for residential use in this very busy, high traffic area.

Roland Schott, 4856 32nd Avenue SE, Salem: He has property in the SE quadrant. He expressed that the study seemed to be missing a few things. Residents are being asked to comment on a plan that is not official City policy yet. Any development that is good for one area is good for all parts of the city. Salem is known for its good water and protection thereof, and he is concerned about availability of resources for and potential shortages caused by future development. He stated his concern over the lack of notification to area residents and the City's unwillingness to discuss the water issues.

John D. Miller, 4985 Battlecreek Road SE, Salem: He is a NE-quadrant resident and business owner. He submitted written testimony [EXHIBIT 3]. He stated he was impressed with the work done by staff and the consultants. This is a unique opportunity to design a gateway into Salem. He generally agrees with the recommendations of the Staff Report, but feels the order of action seems inappropriate. Staff recommends setting public hearings for comp plan changes, which seems premature as the current zone ordinance does not have the mechanisms in place to implement the plan. He quoted from Page 33 of the study regarding various zones not currently in existence. He feels if the City adopts the plan without having the appropriate tools in place to make it work, then we would be asking business and property owners to accept a pig in a poke with undefined standards. He feels the standards should be defined before any public hearings are set. He recommends to adopt the plan but not to set the public hearings for comp plan changes until the tools necessary to implement the plan are developed.

Commissioner Getter asked if the order of action was so integral, could he give any specific reasons why his order would be better. Mr. Miller responded that the recommended zoning designations are not defined so that an adjacent owner would know what uses would be truly allowable, but he would be asked to accept an unknown concept.

Commissioner Ferder asked if it would not be helpful to include the public in the process of defining these terms first, rather than having staff define them and ask the public to respond. Mr. Miller replied that he understood that the public hearings would be for the purpose of changing the comp plan according to this specific plan without those specific recommended zonings being on the books yet.

Helen Callander, 2565 Foxhaven Drive SE, Salem: She lives in the SW quadrant and expressed concern over mixing commercial and residential zoning. There is no open area or park area designated in that area. She would like to see a designated open area in the plan. Her second concern is the possibility of a mile-long Lancaster-like strip development in the area between Kuebler and Commercial.

Commissioner Zielinski expressed concern over the lack of participation by Keizer and felt they should be an integral part of the plan. Sterling Anderson, Marion County Planning, stated that Keizer has a separate comp plan and unless Keizer amends certain policies of their comp plan then the County would not be reviewing any plan as it has no jurisdictional authority. He noted that the study did not involve any cross-jurisdictional issues. He reported that Keizer has been studying this issue for quite some time and the issues from its standpoint are quite different. Mr. Anderson also noted that the format for future meetings is up to the commissions, considering jurisdictional authorities. Another joint session is planned to discuss the NW and SW quadrants.

Mr. Finklea commended the public on offering tonight's testimony. He would want the public to come to a meeting with an effective understanding of the plan being presented and effective alternatives and options, as well as fully understanding how communities grow and how they can become stagnant. This understanding would allow full participation in the planning process and would offer help to the commissioners charged with that planning.

As no further testimony was offered, President Miller closed the public hearing at 9:45 p.m.

5. WORK SESSIONS

- 5.1 Chemawa/I-5 Interchange Study
- 5.2 Kuebler/I-5 Interchange Study

Commissioner Getter moved that the Salem Planning Commission and Marion County Planning Commission adopt Actions A-F as listed in the Staff Report.

David Forte reported that the request for setting hearing dates was for the quadrants without designation conflicts and that already have mechanisms for implementation in place. Further planning sessions were requested for those areas needing new zoning definitions.

Speaking to the motion, Ms. Getter stated she appreciates the comments of the public and her not living in the area did not lessen her appreciation of their concern. She believes that this new adventure of such studies brings problems, and she is persuaded that further planning for the two quadrants is a good thing and can result in planning that can be accepted by all.

Mr. Nolan asked if by adopting the plan as recommended was the Commission just accepting delivery of the study or actually approving the plan. President Miller said that the Commission would be accepting it as a reasonable study but not necessarily agreeing with every concept. It was his understanding that the Commission would vote not to refer the study to City Council only if it were thought that the study was not acceptable at all.

Mr. Ferder indicated that he shared the concerns expressed by the neighbors and no one wants to see farmland blacktopped. He is concerned about public involvement, but that John Miller offered the only testimony which offered substantial direction to the commissioners. He requested staff to recommend the best process to explore all options before adopting the plan. Mr. Forte stated that staff had recommended separating the quadrants so that recommendations for that specific quadrant could be considered solely.

Mr. Zielinski stated that he was interested in John Miller's comments due to his experience in this area. However, he sees no reason for urgency, and expressed concern over the issue of notification expressed by several people. He felt they should treat all quadrants together because they affect each other. He indicated that the report is well done, but he would like to see the commissions hold off and take a better look before accepting the studies.

Mr. Battaille advised that there was nothing to indicate any problem with the Chemawa study other than coordination with Keizer, so he urged adoption of the Chemawa plan recommendations and direction for staff to pursue implementation. He noted that under Item D, it is staff's intent to flesh out the plans for the

quadrants and zone issues for the Kuebler study and they would be working with several groups on those issues.

Mr. Nolan declared he would support the plan as it allows further public hearings and would allow future opportunities to approve or disapprove any final recommendations.

Ms. Howells indicated that she thinks that such planning is important, but felt what is missing is a vision of how the major developments should look like. She would think this would be an opportunity for all three jurisdictions to define the vision first, rather than decisions being driven by land-market demands, such as those for Wal-Mart, etc. If staff has a vision, she has not seen this incorporated within the study. She views this as a chance to step back and provide more direction to staff rather than accepting the plan as presented.

Mr. Vasend indicated he did not see anything in the study about big-box retail space being zoned in these quadrants, such as Wal-Mart, etc. President Miller noted that no regional shopping mall was planned for either interchange nor any vision of the total development.

Mr. Finklea indicated he would desire a more comprehensive view than what is incorporated in these studies, and would then prefer to have another joint meeting before accepting the plan to give staff more direction.

Mr. Ferder would like to invite Keizer to participate as well. Mr. Rychard would like to see the results of the surveys included in the plan.

THE MOTION FAILED

12 NO 1 YES (Getter)

Commissioner Zielinski moved that staff be directed to help the communities develop a vision that can be portrayed to the commissions.

Commissioner Ferder amended the motion to read that the Commissions adopt the plans as special studies; to direct staff to come back with proposed additions to the SACP and zoning ordinances that are needed to implement the study; and to proceed with follow-up studies, which include the neighborhood association, and plan change hearings.

Commissioner Ferder further amended the motion to delete adoption of the plan as special studies; and include a process for joint sessions.

Ms. Howells indicated that a motion was probably not needed, just give direction to staff to work with interested groups to further define the plan and bring recommendations back for consideration at a joint session.

THE MOTION AND THE AMENDMENTS WERE WITHDRAWN.

Ms. Getter remarked that staff had tried to provide a global view and had done a good job to this point, and she believed the area of discrepancy and problem was probably smaller than it seemed. Ms. Howells indicated the problem seemed to be the process, but that was not an urgent problem.

Mr. Finklea stated that he did not think there was all the time in the world available to study this as some things were already wrong in this area and needed attention. He felt they needed to set up a process and direction for finalization and to give staff reasonable parameters.

Mr. Miller summarized that it did not sound like a conclusion would be available at this time. He recommended to continue the work session to a future date and invite Keizer to participate in those deliberations, and that staff be directed to identify the basic assumptions and directions given them at the onset of the study and report such at the next session.

Mr. Rychard asked for expansion of the notification area. Mr. Finklea asked that representatives of the groups present leave their names with staff. Mr. Anderson stated that complaints of notification came from

folks outside of the study area, but they will notify the neighborhood associations. Mr. Forte stated notifications, determined by the current tax rolls, were sent to affected properties within the study; that signs were posted; notification was sent to City of Salem neighborhood associations; and that newspaper articles and radio spots were secured. At each public forum, the addresses of the participants were secured for notification of future meetings.

Mr. Zielinski offered a challenge to communities and neighborhood associations to produce viable alternatives for consideration at future meetings.

6. POLICY ISSUES
None raised.

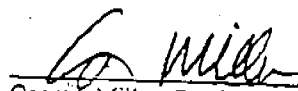
7. ADDITIONAL AGENDA ITEMS (SPC)

- 7.1 Disposition of Commission Goals
- 7.2 Committee Assignments
- 7.3 Data Report

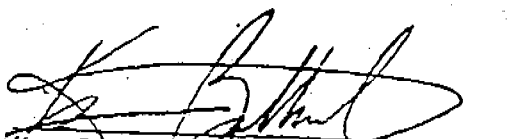
Due to the lateness of the hour, these items were postponed until a future meeting.

There being no further business to come before the Planning Commission, the meeting was adjourned at 10:30 p.m.

SUBMITTED:


George Miller, President

ATTEST:


Kenn Bataille, Long Range Planning Manager

MINUTES OF JOINT MEETING
SALEM PLANNING COMMISSION/MARION COUNTY PLANNING COMMISSION
September 19, 1995

SALEM COMMISSIONERS

George Miller
Holly Getter
Darr Goss
Sandra Talbert
Paul Ferder
Ken Nolan

COUNTY COMMISSIONERS

John Finklea
Lawrence Foster
Claudia Howells
Rosalie Pedroza
Gary Rychard
Roger Vasend
Robert Zielinski, Jr.

STAFF PRESENT

Paul Lee, City
David Forte, City
Bill Healy, City
Mark Becketl, City
Kenn Battaile, City
Sterling Anderson, County
Deb Meaghers, Staff Asst.

1. ROLL CALL

President George Miller called the joint meeting to order at 7:05 p.m. Salem Commissioner Nicholas Coffey was absent; Marion County Commissioners Jane Kanz And Jake Stockfleth were absent.

2. APPROVAL OF RESOLUTIONS, MINUTES, AND REPORTS**2.2 Reports of Committees and Officers**

President Miller reminded the Salem commissioners of the upcoming housing subcommittee meeting.

3. APPEARANCE OF INTERESTED CITIZENS, NEIGHBORHOOD ORGANIZATIONS' A ADVISORY COMMITTEES

No testimony offered.

4. PUBLIC HEARINGS

President Miller opened both public hearings at 7:10 p.m.

4.1 Chemawa/I-5 Interchange Study

David Forte, Associate Planner, entered the Study into the record. The land-use studies were undertaken because these two interchanges are the only remaining undeveloped interchange areas and allows an opportunity for future planning. He noted that discussion tonight would be focused on the northeast and southeast quadrants. City of Keizer issues would not be covered at this meeting but would be addressed at a future meeting. Mr. Forte reviewed the background of the processes used in the study, and provided an overview of the study's suggested zoning redesignations. He indicated the key issues involved infrastructure needs and the integration of Chemawa Indian School's 20-year plan.

Larry Glascock, SEDCOR, 350 Commercial NE, Salem: Speaking to both studies, he commended staff and the consultants for the work done on the studies and reported that he felt the process was open and everyone was offered opportunities to express concerns. SEDCOR would appreciate an opportunity to continue its involvement with any further work. SEDCOR is vitally concerned about the rapid reduction of industrial lands, and these recommendations do not further reduce the inventory and actually offer a slight increase. They are concerned about transportation in the truck routes at Fairview Park, and feel Option 4 is preferred. The Kuebler NE quadrant will need full extension of the infrastructure. They have some concern about the Kuebler SE quadrant and the recommended restriction of 36th Street for access to the industrial area. In the Chemawa NE quadrant, SEDCOR is concerned about access to the newly designated industrial area and feels there needs to be further refinement from Chemawa Road to the industrial area.

No other testimony on this matter was offered.

913

SEPTEMBER 9, 1996

Info Rpts

Ptn 96-17PV
Westbrook NWPtn 96-19P
Sunnyview NECU 95-11
Claxter/22ndUGA 96-4UG
S River RdChemawa/I-5
Gateway Zone

Commun Center

Table/Contents

Wallace Rd
Access Study

9.2 Information Reports . . . (Continued)

- (b) Administrative Report - Partitioning Plat 96-7PV - Marvin J Lowen, Applicant - 1470 - 1472
WESTBROOK DR NW - Ward 8
RECEIVED AND FILED
- (c) Administrative Report - Partitioning Plat 96-19P - Lynn Halladey for Agripac, Inc, Applicant - 1450 SUNNYVIEW DR NE - Ward 1
RECEIVED AND FILED
- (d) Hearings Officer Report - Conditional Use Case 95-11 - Fabricators, Inc, Applicant - 2400 Block of CLAXTER RD NE and the 4300 Block of 22ND AVE NE - Ward 5
RECEIVED AND FILED
- (e) UGA Development Review Committee - Preliminary Declaration: Urban Growth Area Development Permit No. 96-4UG - Salem Development, Inc, Applicant - 3600 - 3700 Block of SOUTH RIVER ROAD - Ward 3
RECEIVED AND FILED
- (f) Set Public Hearing for CIGP 96-6 and CIGP 96-7 and the "CHEMAWA/I-5 NORTHEAST QUADRANT GATEWAY OVERLAY ZONE" (CD)
SET PUBLIC HEARING FOR 10/14/96
- (g) Status of New Communication Center (CM)
INFORMATION ONLY
- (h) Table of Contents for City Council (CM)
Recommended Action: Adopt Report
Note: Staff recommends that Council NOT add a table of contents at this time; and re-evaluate this issue if staffing is increased in the City Recorder's office
SET ASIDE - SEE BELOW
APPROVED TABLE OF CONTENTS WITH AMENDMENTS
CNCLR WHEELER VOTED "NO"
- (i) WALLACE ROAD Local Access and Circulation Study (CD)
Recommended Action: Adopt Report
Note: Staff recommends that Council direct staff to communicate the recommendation from the Downtown Development Advisory Board to the Oregon Dept of Transportation and City Public Works Dept Study coordinators
APPROVED

1011

October 14, 1996

SACP Amdts
Chemawa/
Portland Rd

4.e Amendments to SALEM AREA COMPREHENSIVE PLAN and SALEM ZONING CODE - 3100 Block of "Old" CHEMAWA RD NE and 5455 PORTLAND RD NE - Establishing "Chemawa/I-5 Northeast Quadrant Gateway Overlay Zone" - Ward 5

Note: A staff report from Community Development is included in the packet

Recommended Action: Staff recommends that Council (1) Redesignate 13.35 acres on the Comprehensive Plan Map from "Developing Residential" and "Community Service Educational" to "Industrial" located at the 3100 Block of the "old" Chemawa Rd NE; (2) Recommend to the Marion County Board of Commissioners the redesignation of 34.07 acres on the Comprehensive Plan Map from "Developing Residential" and "Community Service Educational" to "Industrial" located at the 3100 Block of "old" Chemawa Rd NE; (3) Adopt the "Chemawa/I-5 Northeast Quadrant Gateway Overlay Zone"; (4) Redesignate 4.31 acres on the Comprehensive Plan Map from "Developing Residential" to "Commercial" located at 5343 and 5455 Portland Rd NE; (5) Adopt changes to SRC Chapter 62 regulating signs within interchange overlay zones; and (6) Acknowledge to Marion County Board of Commissioners review of Marion County "Limited Use Overlay Zone" to apply to 34.07 acres within the Chemawa/I-5 Northeast Quadrant

Attached: Communication from Stew Stone, The Prudential Real Estate Professionals

OPEN

Council President Zimmer declared the public hearing open to receive testimony.

Forte

Associate Planner Forte entered the staff report into the record and reviewed it for Council.

Glasscock

Larry Glasscock, SEDCOR President, advised that SEDCOR generally agrees with the staff recommendations; but, however, does take exception to two different points; adding that SEDCOR believes the requirement for a master plan is totally unrealistic for the industrial user. He went on to suggest that the motivation for the industrial developer is different from that of the

1012

October 14, 1996

SACP Amdt

4.e SACP Amendments . . . Chemawa/I/5 (Continued)

Glassock

industrial user. He added that the second issue is the requirement of twenty percent of the area for open space, which they believe is excessive; and suggested that fifteen percent would be adequate.

Wheeler

Councilor Wheeler said that the term "family wage jobs" keeps arising, and asked what that amount is.

Glassock

Mr Glassock responded that the State of Oregon uses the average wage in this area, which is approximately \$22,000 per year.

DeSouza

Councilor DeSouza concurred with Mr Glassock regarding the master plan; and asked what Mr Glassock would suggest in the alternative to meet some of the intent of the planning staff to meet the gateway development goals.

Glassock

Mr Glassock remarked that there are enough conditions in terms of landscaping requirements that are already in place.

Gorsuch

Kris Gorsuch, 250 Church SE, representing the Ditchin family who owns thirty-four acres in the northeast quadrant, which is most of that parcel of land, entered a written report into the record, which is on file and of record herein. He advised that there are four issues on which his clients and staff have not come to agreement on such issues as the Master Plan. He entered a letter to Kenn Battaille into the record, which is on file and of record herein; and stated that

1013

October 14, 1996

SACP Amdt

Gorsuch

4.e SACP Amendments . . . Chemawa/I/5 (Continued)

his client owned about thirty-four acres which is primarily the entire site; that the requirement by staff is that the entire site be master planned with a building master plan. He advised that they have no idea what the users will be, what the lot lines will be, how large the buildings should be, where the internal roadways should go and so on; that the building master plan would cause a great deal of difficulty. He explained that this property should have its own internal street system according to its needs; and that what should be included and what should be omitted from the master plan needs some careful consideration. Another issue of concern, he said, is the open space requirement; adding that on a site this size, a twenty percent open space is almost seven acres of valuable land; and that the twenty percent is too much to take out of production. His last concern is the signage; adding that a hotel can be built on the site as could a restaurant, but no sign could be erected to advertise them. He went on to state that the overlay plan could be drafted to require that any signs would advertise only area businesses.

Glennie

Councilor Glennie stated that through the City process, there have been some negotiations between the property owners and City staff; and asked why staff is coming to Council with a master plan which is so

1014

October 14, 1996

SACP Amdt

4.e SACP Amendments . . . Chemawa/I/5 (Continued)

Glennie

impractical; adding that you cannot build buildings unless you know in advance who the tenants will be.

Forte

Mr Forte responded that staff is not requiring building size, but a building "envelop"; explaining that once you take away the setbacks, easements, etc, whatever is left can be built upon; adding that staff is asking if the property is divided into parcels, what is the maximum amount that can be built on that property, what is the maximum number of trips per day that will be generated.

Puentes

Councilor Puentes asked if there are any wetlands in the area.

Forte

Mr Forte answered that approximately one-fourth of the northern property is in the Labish Ditch.

Glennie

Councilor Glennie asked staff to verify that information.

Council continued discussion for clarification of understanding.

CLOSED

Determining that no one else wished to speak, Council President Zimmer declared the public hearing closed. She announced that deliberations would take place at the next regular meeting.

DELIBERATION

5. DELIBERATIONS OF PREVIOUS PUBLIC HEARINGS:

NONE

1050

October 28, 1996

Vacation

CARRIEDSACP Amdts
Chemawa/I-5
NE Quadrant

5.c Alley . . . Block 13 . . . (Continued)

and declared CARRIED. Councilor Gavin Sample abstained from voting.

5.d Amendments to SALEM AREA COMPREHENSIVE PLAN and SALEM ZONING CODE - 3100 Block of "Old" CHEMAWA RD NE and 5455 PORTLAND RD NE - Establishing "Chemawa/I-5 Northeast Quadrant Gateway Overlay Zone" - Ward 5

Note: A staff report and case file from Community Development are included in the packet

Recommended Action: Staff recommends that Council delay consideration and deliberations of the "Comprehensive Plan Changes and Overlay Zone for Northeast Quadrant of Chemawa/I-5" until December 9, 1996

Motion

Councilor Zimmer moved to delay deliberations

until December 9, 1996. The motion was seconded, put

CARRIED

to a vote and declared CARRIED.

APP INT CITZ

6. CONTINUATION OF APPEARANCE OF INTERESTED CITIZENS:

NONE

ORD CAL

7. CALENDAR OF ORDINANCE BILLS:

1ST READ

7.1 FIRST READING OF ORDINANCE BILLS (Pass to Second Reading):

Forfeiture

(a) Ordinance Bill No. 80 - Relating to Forfeiture - Amending SRC 102.630 - With an Effective Date of 1/1/97

Note: A staff report from General Services is included in the packet

SACP Amdt

(b) Ordinance Bill No. 81 - Relating to amendment of the Salem Area Comprehensive Plan concerning urban growth - Amending SRC 64.200

Note: Public hearing held 9/23/96

1st PASSED

Mayor Gertenrich, hearing no objection from Council, directed that the First Reading Ordinance

16 January 2001

To Vickie:

From: Curt

Re: Status of Keizer proposal on Chemawa/I-5 interchange

The Chemawa Activity Center is located at the intersection of Chemawa Road and I-5. The Comprehensive Plan calls for a mix of light industrial, hotel/motel, conference center, retail and supporting uses. The area is divided into four (4) quadrants. The western quadrants are in the city of Keizer.

Zoning:

Keizer adopted the Chemawa Activity Center zoning in 1997.

Zoning in the NW quadrant (north of Chemawa Rd. and west of I-5) is: Public for the Keizer Volcanoes baseball stadium. The original plan (Interstate 5/Chemawa Road Urban Interchange Transportation and Land Use Study, 1994-1995) called for industrial. Zoning appears to be in general conformance for the remainder of the area. The area to the west and south of the stadium is zoned Industrial Business Park except for approximately 11 acres adjoining Chemawa Rd which is zoned Commercial Mixed. The area to the west of the railroad tracks and north of Chemawa Rd is zoned Commercial Office.

Zoning in the SW quadrant (south of Chemawa Rd. and west of I-5) is: Mixed Use for the area west of the railroad tracks and south of Chemawa Rd. The area between the railroad tracks and I-5 is zoned Commercial Mixed south of Chemawa Rd and south of that to the Salem Parkway is zoned Public for a park and ride station.

No changes to that zoning has occurred to date. Also, there are no applications for changes to the zoning filed to date.

Recent activity:

Approximately one (1) year ago, the Keizer City Council (KCC) asked their Planning Commission (PC) to review the zoning for the area. The PC reviewed it and submitted no changes to the KCC. The KCC took no action to revise the plan at that time.

In September 2000, Northwest LLC (possible developer), approached the KCC requesting some changes to the zoning provisions. Following this, the KCC and Northwest LLC entered into a non-binding 'pre'-development agreement. The 'pre'-development agreement can be characterized as being a document that acknowledges certain steps to be taken by an applicant and the city for all of the Northwest quadrant east of the railroad tracks (referred to as Area A).

The city would be presented with a conceptual plan of ideas that would likely need changes in the zoning. The city would initiate public hearings for any requested changes. Probable text amendments are anticipated by April/May. Salem will receive notice if this occurs.

No hearings are scheduled at this time.

Relationship to Salem Area Comprehensive Plan (SACP):

The area is not a 'dual-interest' area in the (SACP). It also does not fall within the 'Regional Policies' of the SACP.

LIEN & HOBSON

Attorneys At Law
4855 River Rd. N.
Keizer, Oregon 97303

EXHIBIT "A-137"

DEPARTMENT OF LAND
CONSERVATION & DEVELOPMENT

John A. Lien
Joseph H. Hobson, Jr.

E. Shannon Johnson

AUG 27 1986

Area Code 503
Telephone 390-1635

SALEM

August 27, 1986

Bob Rindy
Department of Land Con-
servation and Development
1175 Court Street NE
Salem, Oregon 97310

*Forwarded to 1000 Friends
Letter.*

Sept 22, 1986 - 1000 Friends

Re: Salem/Keizer Urban Area *Signs off on approved plan.*
Request for Acknowledgment of Compliance

Dear Mr. Rindy:

This office represents the City of Keizer.

We are informed that 1,000 Friends of Oregon has questioned whether the jurisdictions had evidentiary support for some of the conclusions reached in the recent submittal amending the regional Urban Growth Boundary for the Salem/Keizer Urban Area.

The UGB question was investigated by Keizer and the region in conjunction with the larger Keizer Comprehensive Planning process. The background for the decisions made is a part of your record both for the above and for the continuing matter of adoption of the Keizer Comprehensive Plan and implementing ordinances. As part of the overall process an indepth analysis has been made regarding projections for growth and inclusion of areas I and II in the regional UGB.

We enclose the following copies to highlight some of the evidence now in the record addressing the questions raised.

- 1) Keizer Ordinance 86-064.
- 2) Socioeconomic and Housing Factors-Past and Present Conditions-Working Paper Task 3-Wilsey & Ham, Eco Northwest, November 7, 1984.
- 3) Socioeconomic and Housing Factors - the Forecasts and Analysis Working Paper Task 4 - Wilsey & Ham, Eco Northwest, January 18, 1985.
- 4) Land Use and Urbanization Factors - Forecasts and Analysis - Working Paper Task 4 - Wilsey & Ham, Eco Northwest, January 22, 1985.

Bob Rindy
August 27, 1986

- 5) Sanitary Survey - North Keizer, February 26, 1984.
- 6) Sanitary Sewer Master Plan Update, Keizer Area - 1984.
- 7) Alternative System Analysis - North Keizer Sewer District Sanitary Sewer.
- 8) Lower Labish Trunk Local Improvement District - Engineer's Report.
- 9) Notice of Grant Award.
- 10) Wheatland Road Local Improvement District - Engineer's Report.
- 11) Minutes - Town Hall Meeting - September 11, 1985.
- 12) Minutes - Town Hall Meeting - September 18, 1985.
- 13) Minutes - Town Hall Meeting - September 25, 1985.
- 14) Minutes - Town Hall Meeting - October 9, 1985.
- 15) Letter dated September 17, 1985 - Leonard Shmaltz.
- 16) Letter dated September 12, 1985 - Giles M. Vanderhoof.
- 17) Letter dated September 15, 1985 - Louise and Neil Wotherspoon.
- 18) Letter dated September 16, 1985 - Weldon and Elizabeth Swick.
- 19) Letter dated September 16, 1985 - Barbara Rowland.
- 20) Letter dated August 13, 1985 - Jeffrey R. Lewis - Assistant to the Governor.
- 21) Letter dated June 5, 1985 - Department of Environmental Quality.
- 22) Letter dated October 18, 1985 - Department of Human Resources, - Health Division.
- 23) Letter dated April 4, 1984 - Marion County Health Department.
- 24) Letter dated March 15, 1984 - Department of Environmental Quality.
- 25) Letter dated July 21, 1986 - Josephine Sittser Ditchen.

Bob Rindy

August 27, 1986

- 26) Several letters dated July 15, 1986.
- 27) Letter dated July 17, 1986 - Mildred F. Hays.
- 28) Letter dated July 7, 1986 - Jack Spitzmesser.
- 29) Letter dated July 2, 1986 - Robert L. Engle
- 30) Memorandum dated November 5, 1985 - John Spencer.

In response to some of the specific concerns expressed in the letter from 1,000 Friends we submit the following remarks.

POPULATION FORECAST

The region has arrived at a "needs" boundary. The size of that boundary is based upon a population projection to the year 2005.

The only expert testimony in the record before the region is to the effect that the current population projection is reasonable. When judging against history, one must keep in mind the fact that the slack years of the early 1980's are offset by the boom years of the 1970's. See No. 2 above at page 7.

OBJECTION TO AREA I (CLEARLAKE)

Much of what is copied and enclosed contains evidence of septic tank and drainfield failures in Area I. The fact that potential health hazards do exist in the area has been clearly documented and there is general consensus on that issue.

One can easily see that urban development has almost encircled Area I. Exhibit 1 of No. 10 above shows existing lots and houses along Wheatland Road to the west, Clearlake Road to the north, O'Neil and Barnick Roads to the east and Nottingham Drive to the south.

The evidence shows that many existing farming operations are surrounded by urban development, making formal farming practices difficult. See No. 15 above and the meeting minutes.

In addition to the above, the record shows that Area I is needed by Keizer for future growth.

OBJECTION TO AREA II

There are many reasons for including Area II in the UGB. One of the most important to Keizer is the fact that, according to the evidence, Keizer needs Area II for commercial and industrial development. It is the only Area in Keizer suitable for real employment growth.

Bob Rindy
August 27, 1986

Keizer has no employment base. See No. 3 above at page 12. Keizer's need for industrial and commercial land is a function of the kind of community Keizer chooses to be. See No. 3 above at page 14. Assuming even balanced new growth, Keizer needs new commercial and industrial land. See No. 4 above at page 10. Area II is the best area for commercial and industrial development in Keizer. See No. 4 above at page 16 and No.'s 24 through 27 above.

CONCLUSIONS

The current regional "needs" boundary has been drawn based upon a population projection that has been judged reasonable by experts in the area. Both Keizer and the region need Areas I and II for projected growth. Given the needs of the region, the needs of Keizer and the needs of the areas in question, there is no evidence that any other land is better justified for inclusion in the UGB than Areas I and II.

Thank you for your attention to this matter.

Yours truly,

LIEN & HOBSON

By: Joseph H. Hobson, Jr.

JHH:t
enclosure *

cc: Robert Liberty, 1,000 Friends of Oregon
City of Salem
Marion County
Polk County
City of Keizer

* Due to the length of this enclosure, we have not reproduced it here. A copy of this material is available in the Salem DLCD office.



Item 6.0
H.C.

1000 FRIENDS OF OREGON

September 22, 1986

DEPARTMENT OF LAND
CONSERVATION AND DEVELOPMENT

SEP 23 1986

SALEM

Bob Rindy
DLCD
1175 Court Street, NE
Salem, OR 97310

Re: Acknowledgment of the Salem/Keizer UGB

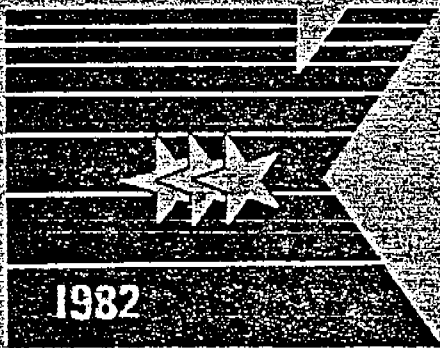
Dear Bob:

1000 Friends of Oregon is withdrawing its objection to the Acknowledgment of Compliance with the statewide planning goals for the Salem/Keizer urban planning area. When our objection letter was filed, our staff attorney most familiar with the plan was out of the country. Fully expecting to return in time for the Salem/Keizer plan review, he did not communicate to the rest of the staff that 1000 Friends' acceptance of a final plan was contingent only upon the exclusion of approximately 2,400 acres from the Urban Growth Boundary (UGB). Because those 2,400 acres were excluded from the final plan, we withdraw our objections.

We feel strongly that objections to Urban Growth Boundaries based on unrealistic population projections will arise in the future. The issue has not been resolved. Urban Growth Boundaries based on the rapid growth of the 1970's will be reviewed for conformance with the reality of slower growth of the 1980's, which is projected to be far more typical in the long run. The questions regarding population projections as a tool for delineating UGB's need to be raised, and will be raised, as plans come up for review.

We commend Marion and Polk Counties and the cities of Salem and Keizer on their comprehensive planning process; overall, they

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CITY OF KEIZER

Comprehensive Land Use Plan and Implementing Ordinances

Forecasts and Analysis

LAND USE AND
URBANIZATION FACTORS

Working Paper
Task 4

January 22, 1985

Wilsey & Ham
ECO Northwest

FORECASTS AND PRELIMINARY ANALYSIS
LAND USE AND URBANIZATION FACTORS

Working Paper
Task 4
January, 1985

John C. Spencer
Wilsey & Ham

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APPENDIX
Table A

FORECASTS AND PRELIMINARY ANALYSIS LAND USE AND URBANIZATION FACTORS

Working Paper
Task 4
January, 1985

I. INTRODUCTION

The purpose of this working paper is to analyze and identify the land use issues, problems and opportunities for the City of Keizer. Forecasts for population and employment growth prepared in the Socio-economic and Housing Working Paper are translated into the need for vacant buildable land within the city. Lands vacant and suitable for development are also identified. The existing land use pattern and existing land use plans are evaluated in terms of the arrangement of land uses and activity centers, appropriateness for the community and apparent issues and conflicts. Several alternative concepts are presented in diagrammatic form to stimulate discussion about possible new development patterns for the community. The issue of urbanization in the Clear Lake area is also discussed.

II. LAND USE FORECASTS

In this section, the forecasts for future population and employment growth will be translated into the need for vacant buildable land within Keizer. Each major land use classification is discussed separately as assumptions and methods used for forecasting are different.

A. RESIDENTIAL

The Socio-economic and Housing Factors Working Paper for Task 4 discusses several alternative forecasting assumptions for population in Keizer, and recommends a forecast be used for planning purposes based on the following assumption:

Keizer will maintain its 1980 share of the population of the Salem Urban Area, approximately 14.2%.

New population in Keizer will be housed in both single-family and multi-family dwellings, with approximately 68% of new housing being single-family, and 32% multi-family. This ratio is supported by historical trends and was used in developing the regional transportation plan. Table 1 summarizes the forecast for new housing types.

TABLE 1

FORECASTS OF NEW UNITS BY HOUSING TYPE
CITY OF KEIZER

Housing Type	1984 1990	1990- 1995	1995- 2005	Total 1984-2005
Single-family	832	830	1,301	2,963
Multi-Family	392	391	613	1,396
Total	1,224	1,221	1,914	4,359

Source: SATS & ECO Northwest

The Salem Area Comprehensive Plan (SACP), which now applies to the City of Keizer, uses a single-family density of 4 units per gross acre to calculate the need for residential land. Currently, the single-family residential density in Keizer is about 3.5 units per gross acre. Because Keizer is predominantly a single-family bedroom community, and is expected to continue in that role, an average density of 3.7 units per gross acre will be used to calculate the need for residential land.

A factor of 18 units per gross acre was used in the SACS to estimate the need for multi-family land. Currently in Keizer, multi-family densities are approximately 11.4 units per gross acre. Over two-thirds of the multi-family housing in Keizer is new, being built since 1970. A factor of 16 units per gross acre will be used to calculate the need for multi-family land in Keizer. This factor better reflects the construction trend since the 1970's, and Keizer's role as a suburban bedroom community than the SACS factor. Table 2 summarizes the estimate of vacant buildable land by housing type needed in Keizer to accommodate expected population growth to the Year 2005.

TABLE 2
ESTIMATE OF RESIDENTIAL LAND NEED (GROSS ACRES)
CITY OF KEIZER

Housing Type	1984- 1990	1990- 1995	1995- 2005	Total 1984-2005
Single-family	225	224	352	801
Multi-Family	<u>25</u>	<u>24</u>	<u>39</u>	<u>88</u>
Total	250	248	391	889

Source: Wilsey & Ham

B. COMMERCIAL AND INDUSTRIAL

The Socio-economic and Housing Factors Working Paper for Task 4 discusses the employment allocations assigned to the City of Keizer which came from the regional transportation planning program. These forecasts assume that employment growth in Keizer will grow at a slightly higher rate than the remainder of the urban area. The economic working paper cautions, however, that forecasting "need" for industrial and commercial land cannot be done with certainty for a subarea of the larger urban area. There will be adequate employment growth in the Salem urban area to justify substantial increases in the amount of industrial and commercial land in Keizer. The amount of land devoted to employment uses then, is a matter of policy. If the City of Keizer wishes to become a major industrial or commercial center, then adequate amounts of vacant buildable land must be devoted for those purposes.

Table 3 summarizes the employment forecasts allocated to Keizer in the Salem Area Circulation Study. These forecasts represent a continuation of Keizer's role as a minor employment area in the region. By comparison, Keizer's percentage of total regional population in 2005 is estimated at 14.2%, while the City's share of regional employment in Table 3 is 5.0%.

TABLE 3
FORECASTS OF EMPLOYMENT GROWTH
SALEM AREA CIRCULATION STUDY

CITY OF KEIZER				
Employment Sector	1984- 1990	1990- 1995	1995- 2005	Total 1984-2005
Industrial	185	205	390	780
Retail	167	205	233	605
Office	235	248	258	741
School	57	64	78	199
Government	<u>7</u>	<u>6</u>	<u>10</u>	<u>23</u>
TOTAL	651	728	969	2,348

Source: SATS and Eco NW

The need for land to accommodate employment growth is estimated by applying an employment density factor to estimated employment in each employment sector. The Salem Area Comprehensive Plan (SACP) has derived employment densities from regional trends. These same employment densities will be used in Keizer. For purposes of estimating the need for commercial and industrial land, the following employment densities will be used:

Industrial	9 employees per gross acre
Retail	20 employees per gross acre
Office & Government	30 employees per gross acre

Land needed for school employment will be estimated through the need for new schools as population grows. Table 4 presents a forecast of land needed by employment sector assuming the moderate level of employment growth as summarized in Table 3.

TABLE 4
ESTIMATE OF INDUSTRIAL & COMMERCIAL LAND NEED (GROSS ACRES)
SALEM AREA CIRCULATION STUDY
CITY OF KEIZER

Land Use Type	1984- 1990	1990- 1995	1995- 2005	Total 1984-2005
Industrial	21	23	43	87
Commercial				
Retail	8	10	12	30
Office/government	<u>8</u>	<u>8</u>	<u>9</u>	<u>25</u>
Subtotal commercial	<u>16</u>	<u>18</u>	<u>21</u>	<u>55</u>
TOTAL	37	41	64	142

Source: Wilsey & Ham

As discussed in the Socio-economic Working Paper for Task 4, several factors have changed since the SACP was prepared which may cause Keizer residents to change land use policies and designations in that plan. These changes are:

- a. As an incorporated city, Keizer may want an identity. Developing a more cohesive commercial center along River Road would help create that identity.
- b. Since it now controls its own land uses, Keizer may want to provide for more shopping opportunities for its residents.
- c. Similarly, the City may want to change its image of a bedroom community by providing for more employment opportunities.
- d. Keizer may consider it fiscally prudent to diversify its property tax base by encouraging more non-residential developments.
- e. The recent opening of Chemawa interchange on I-5 makes vacant land near that interchange more attractive for commercial and industrial development.

If in considering these factors city residents want some change, then how much change is possible or reasonable? As mentioned earlier, the land need estimates shown on Table 4 are based on forecasts assuming Keizer will continue as the same kind of community as it is today. These estimates provide a good starting point or baseline for measuring change. If residents want little change, then the estimates in Table 4 estimates should be reflected in the comprehensive plan policies and land use map.

At the other end of the spectrum, if residents want a great amount of change, a possible goal would be to provide a "balance" of shopping and employment opportunities for Keizer residents. A good way to define "balance" is to look at how the region as a whole functions and is expected to function. With an expected population of 212,520, and employment of over 110,000, the Salem urban area can be said to be "balanced". If Keizer were to have roughly similar employment levels compared to its population as the entire urban area, then Keizer could be said to be "balanced" or at least to reflect the average for the region.

Tables 5 and 6 show the estimates of employment growth and land needed for commercial and industrial development if this balance was achieved. The only employment sectors which are not reasonable to consider in this way are schools and government, so estimates found in Table 3 were used in Table 5. It is assumed that this "balanced" state would occur in 2005. Phased employment growth between 1984 and 2005 is roughly proportional to growth rates used in Table 3. The "balanced" state is achieved when Keizer employment by sector equals 14.2% of the regional employment.

TABLE 5
ESTIMATES OF EMPLOYMENT GROWTH
"BALANCED" ASSUMPTION

CITY OF KEIZER				
Employment Sector	1984- 1990	1990- 1995	1995- 2005	Total 1984-2005
Industrial	1,055	1,180	1,571	3,806
Retail	654	732	975	2,361
Office	839	940	1,252	3,031
School	57	64	78	199
Government	<u>7</u>	<u>6</u>	<u>10</u>	<u>23</u>
TOTAL	2,612	2,922	3,886	9,420

Source: Wilsey & Ham

TABLE 6

**ESTIMATE OF INDUSTRIAL & COMMERCIAL LAND NEED (GROSS ACRES)
"BALANCED" ASSUMPTION**

CITY OF KEIZER				
Land Use Type	1984- 1990	1990- 1995	1995- 2005	Total 1984-2005
Industrial	117	131	175	423
Commercial				
Retail	33	37	49	119
Office/government	28	32	42	102
Subtotal commercial	<u>61</u>	<u>69</u>	<u>91</u>	<u>221</u>
TOTAL	178	200	266	644

Source: Wilsey & Ham

Tables 5 and 6 represent an extreme example necessary to achieve a fully balanced community by 2005. If this assumption were to occur, one out of every 4 new jobs created in the region would be in Keizer. It would be difficult for Keizer to provide sufficient competitive land to attract this kind of development activity. A more realistic assumption would be to assume that only the employment growth occurring after 1984 would maintain the "balanced" ratio of population to employment. Tables 7 and 8 illustrate this assumption for employment growth and land need respectively.

TABLE 7
ESTIMATES OF EMPLOYMENT GROWTH
NEW GROWTH "BALANCED" ASSUMPTION
CITY OF KEIZER

Employment Sector	1984- 1990	1990- 1995	1995- 2005	Total 1984-2005
Industrial	451	499	952	1,902
Retail	244	303	500	1,047
Office	478	362	608	1,448
School	57	64	78	199
Government	<u>7</u>	<u>6</u>	<u>10</u>	<u>23</u>
TOTAL	1,237	1,234	2,148	4,619

Source: Wilsey & Ham

TABLE 8
ESTIMATE OF INDUSTRIAL & COMMERCIAL LAND NEED (GROSS ACRES)
NEW GROWTH "BALANCED" ASSUMPTION

CITY OF KEIZER				
Land Use Type	1984- 1990	1990- 1995	1995- 2005	Total 1984-2005
Industrial	50	55	106	211
Commercial				
Retail	12	15	25	52
Office/government	16	12	20	48
Subtotal commercial	<u>28</u>	<u>27</u>	<u>45</u>	<u>100</u>
TOTAL	78	82	151	311

Source: Wilsey & Ham

These three assumptions for future employment growth in Keizer and the resulting need for suitable vacant buildable land provide a considerable range of choice for residents and city officials to consider. It must be stressed again that it is very difficult to accurately forecast employment growth on a subdistrict level. The amount of commercial and industrial land in Keizer will be a policy decision reflecting the kind of community residents want the city to be.

C. SUMMARY

Table 9 summarizes the amount of vacant land needed in Keizer by 2005 for other uses such as schools, major parks and major streets. A more detailed description of school and park needs can be found in the Public Facilities & Services/Transportation Working Paper for Task 4.

TABLE 9
ESTIMATE OF LAND NEEDED FOR NON-RESIDENTIAL & EMPLOYMENT
USES (GROSS ACRES)

CITY OF KEIZER

LAND USE TYPE	TOTAL 1984 - 2005
Schools	
3 (K-6)	30
1 (7-8)	20
1 (9-12)	<u>40</u>
Subtotal Schools	90
Major Community Parks	100
Non-residential Streets (1)	<u>85</u>
TOTAL	275

Source: Wilsey & Ham

(1) Based on SACP assumption of 2 miles of collectors and two miles of arterials for each 640 acres of new development.

The final table in this section summarizes by land use type the need for vacant buildable land inside the City of Keizer to 2005. Several alternatives for commercial and industrial land needs are shown on Table 10 as precise acreage will depend on public policy choices. In the following sections of this working paper, this land use needs analysis will be compared to vacant lands within the city, and alternative land use patterns for the newly developing portions of the community.

TABLE 10
SUMMARY OF LAND NEEDED FOR URBAN DEVELOPMENT (GROSS ACRES)
CITY OF KEIZER

Land Use Type	Total 1984-2005	<u>COMMERCIAL/INDUSTRIAL/ALTERNATIVES</u>		
		SACP Forecasts	"Balanced" Community	"Balanced" New Growth
Single-family residential	801			
Multi-family residential	88			
Schools	90			
Parks	100			
Major Streets	<u>85</u>			
Subtotal	1,164			
Industrial		87	423	211
Commercial		<u>55</u>	<u>221</u>	<u>100</u>
Total		1,306	1,808	1,475

Source: Wilsey & Ham

III. BUILDABLE LANDS ANALYSIS

A. PHYSICAL CONSTRAINTS TO DEVELOPMENT

The analysis of buildable lands in Keizer is based on the land use inventory of the Salem Urban Area conducted by the City of Salem in 1982. This inventory is summarized for the region and for the City of Keizer in Past and Present Conditions, Land Use and Urbanization Factors Working Paper, Task 3, November, 1984. In addition, the inventory was verified by field checks and use of a recent aerial photograph of Keizer. Engineers and land owners and developers familiar with local conditions were also consulted on local building problems and conditions and ownership patterns.

The primary constraint to development in Keizer is the 100 year floodplain found along the Willamette River, Claggett Creek and Labish Creek. Figure 1 shows the extent of areas included within the 100-year floodplain. An extensive floodplain area of approximately 415 acres lies west of N. River Road and includes a gravel pit and golf course. Portions of this area are within the floodway and floodway fringe.

In order for communities to qualify for desirable insurance rates, development within the floodway must be restricted for buildings of all types. Buildings and other improvements are allowed in the floodway fringe as long as the lowest floor elevation is at least one foot above the flood level. This requirement places a partial development constraint on floodway fringe areas. To meet the floor elevation requirement, structures have to be built on pilings, or more commonly, the site is graded to form "building pads" above the flood level. Both methods add cost to standard building practices, and result in lower overall density, particularly when the site grading method is used. Areas within the floodway fringe west of North River Road vary from 0 to about 5 feet below the flood level. Obviously, considerable grading over a large area would be required to create the required building pads.

For the purpose of estimating buildable lands in Keizer, all areas within the floodway will be considered undevelopable. Floodway fringe areas will be reduced by 50% to account for the development constraints imposed within the 100 year floodplain. This reduction factor is substantiated by recent residential development proposals in the golf course area, and general experience with floodway fringe development throughout western Oregon.

B. OTHER DEVELOPMENT CONSTRAINTS

1. Buffer Area

The Salem Area Comprehensive Plan (SACP) has designated approximately 234 acres east of the Willow Lake Sewage Treatment Plant for limited non-labor intensive uses unaffected by noise or odor. The area is now used for agricultural purposes, and has an Exclusive Farm Use zoning designation.

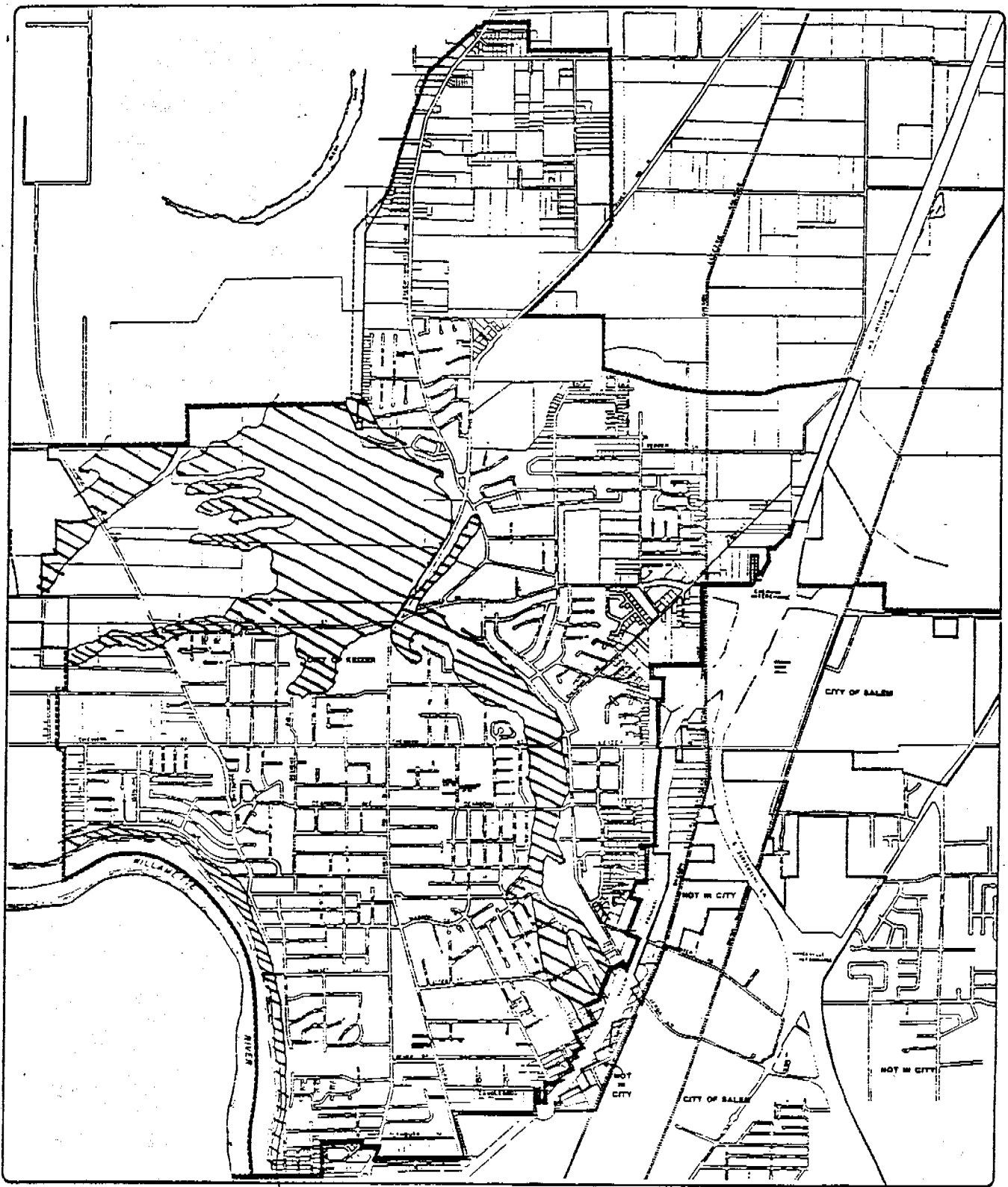


Figure 1
100-Year Floodplain

Legend



City of Keizer
KEIZER COMPREHENSIVE PLAN

Wibbey & Ham

ECO Northwest

The area is best described as a "buffer zone" between the sewage treatment plant on the west, and future residential neighborhoods to the east. The real development constraints imposed by "limited non-labor intensive uses unaffected by noise or odor" imply that development be limited to industrial uses devoted primarily to storage. Warehousing and distribution activities may meet this criteria, but these types of urban uses are almost completely dependent on direct access to the interstate highway system. Improvements to Olson Road are planned which will link Windsor Island Road to the new Chemawa interchange on I-5, approximately 2½ miles to the east. It may not be desirable, however, to encourage heavy truck traffic on this route, which completely crosses Keizer through several existing residential neighborhoods. In addition, there are many vacant buildable sites in the region with direct visibility and access to the interstate system which are more attractive for this type of use.

Other types of uses which meet the criteria are gravel and resource extraction, lumber and agricultural products storage, and of course, farming. With the exception of farming, the need for these types of agricultural/resource industrial uses has not been established, nor has the desirability of locating these types of uses adjacent to urban residential neighborhoods. Additionally, portions of the area lie within the 100-year floodplain, making any development expensive.

The point is that by imposing the criteria of "limited non-labor intensive uses unaffected by noise or odor" on this area at the far edge of Keizer, the district is severely constrained for development. Indeed the regional employment forecasts prepared for the regional transportation plan estimated that no new industrial jobs would be created in this area between 1980 and the Year 2000. In fact, no new industrial jobs were forecast as full development of the entire census tract. Therefore, the area will be considered a buffer area, and will not be included in the vacant buildable lands acreage.

2. Ownership Patterns

As previously discussed, a land use inventory conducted by the City of Salem in 1982 was used as the basis for Keizer's land use inventory. The inventory is compiled by some 23 traffic analysis zones, and lists all developed and vacant lands within the city. Table A in the Appendix is the complete inventory for Keizer. There are several categories of vacant land in the inventory, but generally, if a lot has 6,000 square feet without a structure, that area is considered vacant. This is a commonly used definition to identify vacant land, but the definition presents some problems because land ownership patterns are not considered when these vacant acres are compiled for large areas. Traffic analysis zone 183 may indeed have 53.8 acres of vacant land under this definition, but this vacant area is divided into 10 to 20 individual parcels, and some of the "vacant" land is in fact the back yards of long narrow lots. The full development potential of this type of "vacant" land can be realized only by consolidating several back yards into a single parcel, securing access to a public street then constructing an infill project. This type of development approach can be successful, and indeed the city may want to encourage infill to take advantage of existing public investments in streets, sewers, etc. But the likelihood that this type of development will occur on a large scale is remote, particularly when more easily developed large parcels are available in the same community.

In the late 1970's the Salem Homebuilders Association conducted telephone interviews with owners of vacant parcels in the Keizer area. The purpose of the interview was to informally survey owner attitudes about future plans for their property, and any willingness to further subdivide, consolidate or develop these vacant lands. Over 100 properties are represented in the informal survey, and well over half of the owners contacted indicated no intention of further developing their lots. The survey found that some 52 acres of vacant land was in the back yards of existing lots, and another 53 acres of vacant land was owned by public or semi-public agencies.

This informal survey was compared to aerial photographs and parcel maps to verify lot sizes and configuration, and to generally evaluate potential access and other development problems associated with consolidating and fully developing these vacant areas. The existing developed area in Keizer, shown on Figure 2, was surveyed and the acreage of vacant lands were compared to the vacant land inventory prepared by the City of Salem. In the developed portion of Keizer, approximately 50% of all vacant land is configured in various lots of about one acre when land owners indicated they had no intention of further developing their property. For purposes of the buildable lands inventory, it is assumed that one-third of these back yard "vacant" parcels will remain undeveloped until 2005. This total area, approximately 116 acres, will not be included in the city vacant buildable lands inventory.

Table 11 summarizes the existing land uses in Keizer and the vacant lands considered buildable and unbuildable. Table A in the Appendix is a more detailed breakdown of land uses within the city.

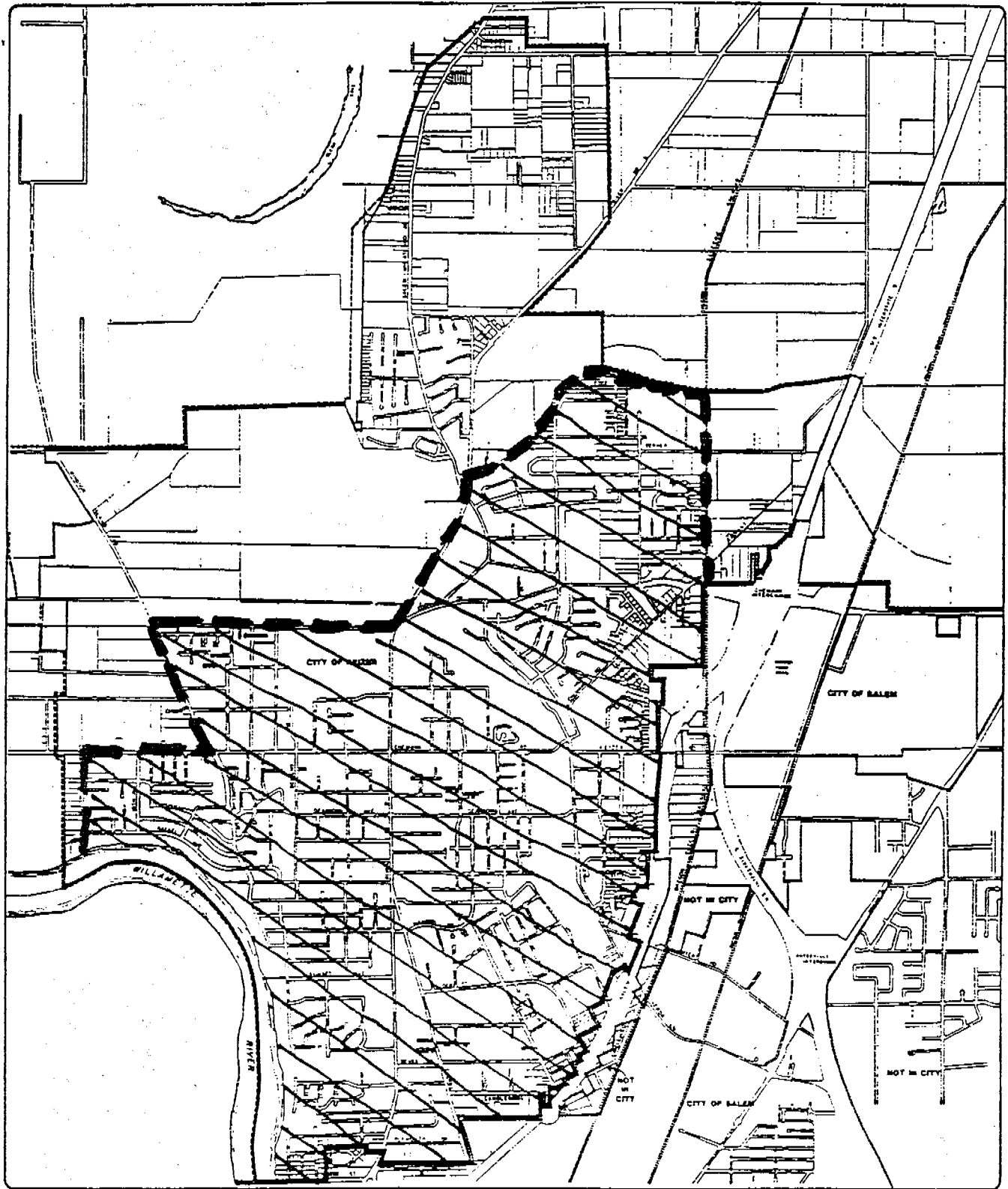


Figure 2
Urban Area Surveyed

Legend



City of Keizer
KEIZER COMPREHENSIVE PLAN

Wisey & Ham

ECO Northwest

TABLE 11
BUILDABLE LANDS ANALYSIS
City of Keizer
1985

Land Use Category		Acres	% of Total
Developed			
Single family		1,560.3	35.6
Duplex		37.3	0.8
Multi-family		134.7	3.1
Commercial		110.8	2.5
Industrial		12.7	0.3
Gravel Mine		134.1	3.1
Public/Semi-public		<u>449.7</u>	<u>10.2</u>
Total Developed		2,439.6	55.6
Undeveloped			
Total Vacant		1,950.0	44.4
Floodway	30.3	(30.3)	N/A
Floodway Fringe	144.0	(72.0)	N/A
Buffer Area	233.7	(233.7)	N/A
"Back Yard" Vacant	116.0	<u>(116.0)</u>	N/A
Total Buildable		1,498.0	34.1
GRAND TOTAL		4,389.6	100.0

Source: Derived from "Transportation Analysis Zones", City of Salem, 1982, and Wilsey & Ham.

IV. LAND USE ALTERNATIVES

In this section alternative land use diagrams will be discussed for the City of Keizer. This discussion is meant to stimulate interests and ideas about the future of Keizer, and is based on the land use forecast and buildable lands analysis discussed previously in this working paper. Several figures will follow which illustrate in a diagrammatic form several major concepts for future development. These diagrams are not meant to be site-specific, but are meant to represent concepts for the location and relationship among various activity centers in the city. Activity centers are locations or nodes where shopping, working, and living activities are concentrated. Downtown Salem is an example of a major shopping and employment node. The Capital Mall area is a good example of a government node. North River Road south of Chemewa Road can be considered a series of nodes for auto-oriented commercial activities.

A. EXISTING LAND USE AND LAND USE PLAN

A diagram of the existing land use pattern in Keizer is shown on Figure 3. A major activity node is the auto-oriented commercial development along North River Road. Urban growth in Keizer has extended north along both sides of North River Road as this route is a primary transportation corridor linking Keizer to the remainder of the Salem urban area. There has been little development in Keizer beyond a one-mile band stretching east and west of North River Road. The community is predominantly single-family residential, with a major open space near McNary golf course, located just off North River Road.

Figure 4 is a diagram showing a future land use pattern for Keizer that would result from following the existing Salem Area Comprehensive Plan (SACP). This diagram illustrates a continuation of the commercial strip north on Chemewa Road with some employment occurring at the interchange with I-5 and Chemewa Road. The remainder of the community is predominantly single-family residential.

The SACP plan recognizes the single major new factor which will guide development in Keizer, that is the opening of the Chemewa interchange and the extension of Lockhaven Drive west to Olson Road. This highway improvement will for the first time provide a major east-west transportation corridor through Keizer linking it to the Interstate system. This single transportation improvement will likely shift the geographical focus of the city north and to the east to take advantage of improved interstate highway access. The SACP reflects this new east-west access by locating an industrial area just north of the freeway interchange. The remainder of land uses within the city, however, continue to be focused along the North River Road corridor.

B. LOCKHAVEN-OLSON CORRIDOR

In considering how Keizer might grow and change over the next 20 years, the area north of the Lockhaven-Olson corridor is where the majority of vacant land is located and thus new development is likely to occur. Existing residential districts south of this corridor are for the most part stable, and comprehensive plan policies should be adopted which safeguard these areas from intrusions by incompatible land uses and through traffic. The opportunity exists north of this corridor, however, to create a new land use pattern of nodes and activity areas to serve existing neighborhoods as well as structure new ones.

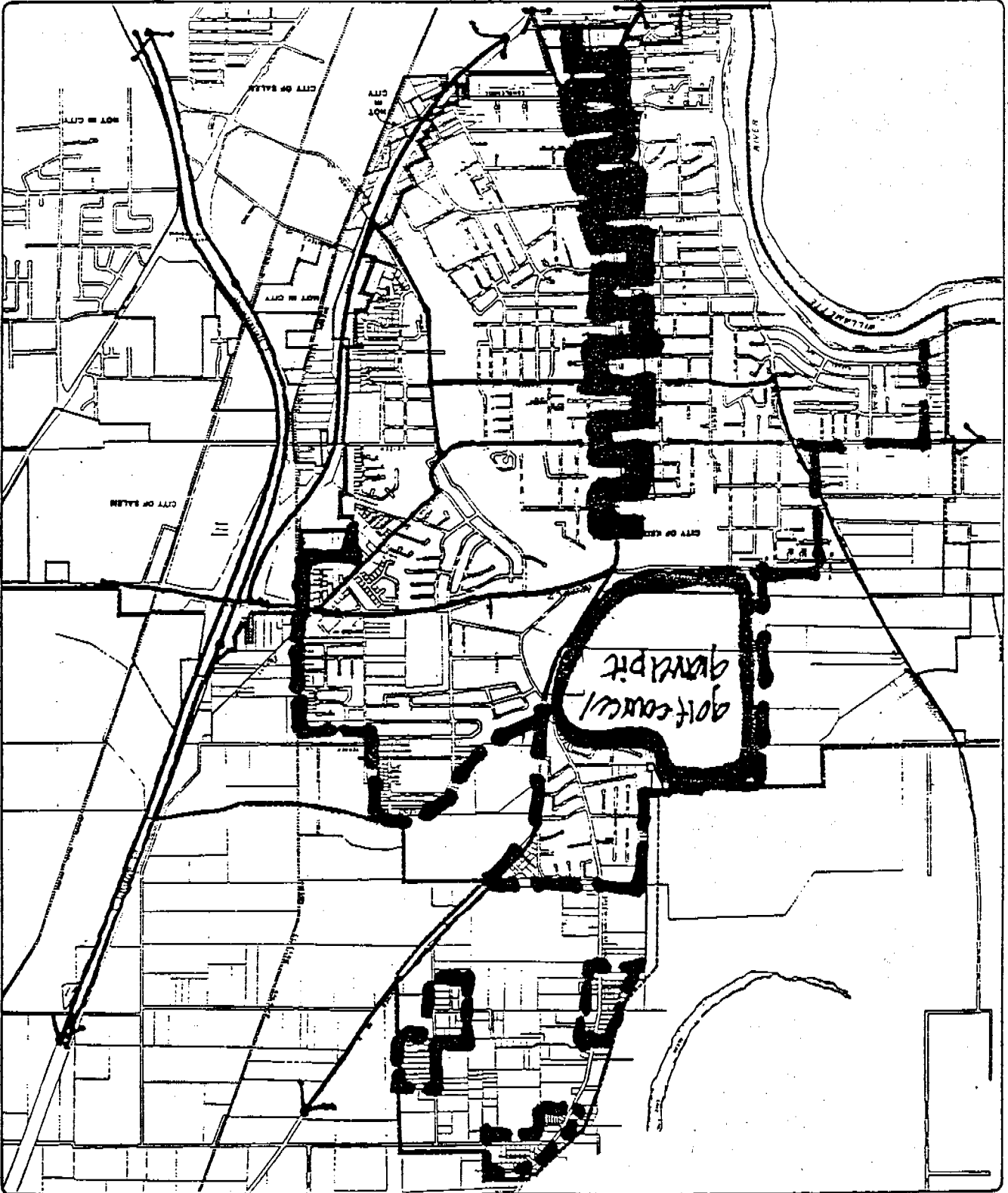


Highway Commercial
Extent of
Urbanization



Legend

Figure 3
Existing Urban Form Diagram



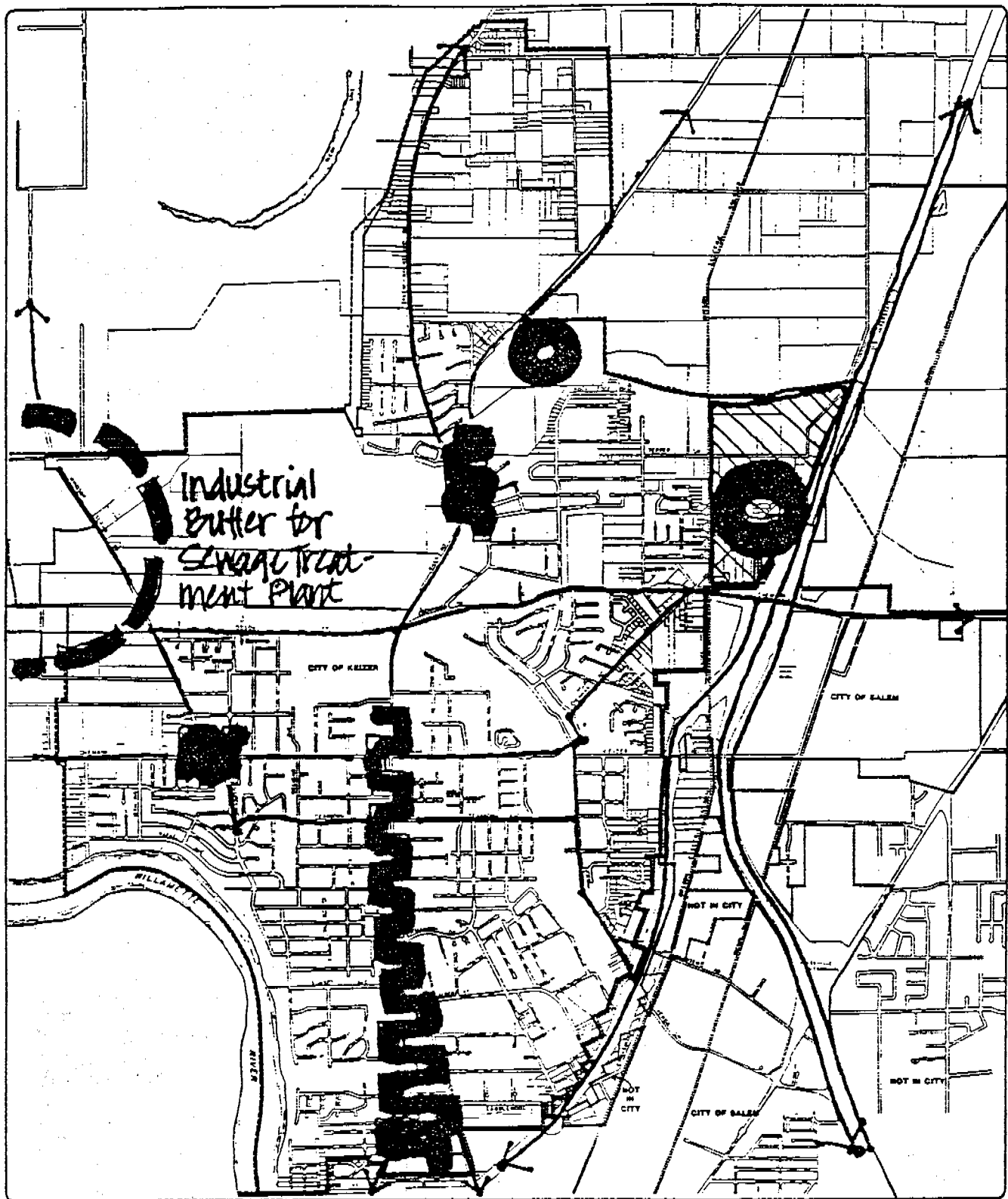


Figure 4
Urban Form Diagram
Salem Area Comp. Plan

Legend



Highway Commercial

Industrial



City of Keizer
KEIZER COMPREHENSIVE PLAN

Wilsey & Ham

ECO Northwest

There are two major opportunity areas along the Lockhaven-Olson corridor which may form a future structure for the community. The intersection of Lockhaven and North River Road is now at the center of the community, that is where the two major transportation corridors, North River Road and Lockhaven-Olson, intersect. At this intersection or node there are several opportunities for the creation of a "center" to Keizer. McNary Golf Course and the existing gravel pit to the south provide a major open space for the community. The development of an office and civic center node together with the reclamation of Lake Sanford as a community open space area would establish this location as the civic and office center of Keizer. The Claggett Creek open space corridor could be tied into the lake project to form a open space system unequaled in the region. Moderate and high-density housing could also be built near the lake and adjacent to the golf course. By taking advantage of this opportunity at the key intersection in the community, Keizer could establish a civic focus for the community at the geographical center of the existing incorporated area. Commercial development along North River Road would not be extended north of this area. Instead, new commercial infill would be encouraged along the corridor south of Lockhaven, along with attempts to improve landscaping, access and parking. New commercial opportunities for highway and community center purposes could also be located near the civic node on the north side of Lockhaven Drive. Figures 5 and 6 illustrate this development concept for the North River Road and Lockhaven-Olson intersection.

Both of these diagrams show a major employment node north of the Chemawa interchange. Considerable development pressure will likely be felt in this 150-acre area and the city has an opportunity to encourage new local employment opportunities and diversify its tax base. The location is ideal for several types of activity centers because of direct access to Interstate 5, visibility from the freeway and the physical constraints imposed on the area by the interstate to the east, Labish ditch and the Urban Growth Boundary to the north, and existing residential neighborhoods to the west. In other words, this potential activity center is constrained so that the impact of high levels of activity can be controlled.

Figure 7 illustrates another development concept for this area, that is allowing for a major retail project to be developed at the interchange. There is sufficient undeveloped land in this area to accommodate not only a major shopping complex, but related industrial, residential or office uses. If a major commercial center is located at the interchange, there will be considerable pressure for a highway-commercial development along Lockhaven. This pressure should most likely be controlled so that the process of infill and intensification along North River Road is encouraged.

A commercial/employment center at the Chemewa interchange coupled with a civic node at the intersection with North River Road would create two somewhat independent activity centers along the east-west corridor in Keizer. The idea of two separate activity centers is not a new one in this region. Downtown Salem and the Capital Mall area function in a similar but much greater scale as the concepts illustrated on Figures 5, 6 and 7.

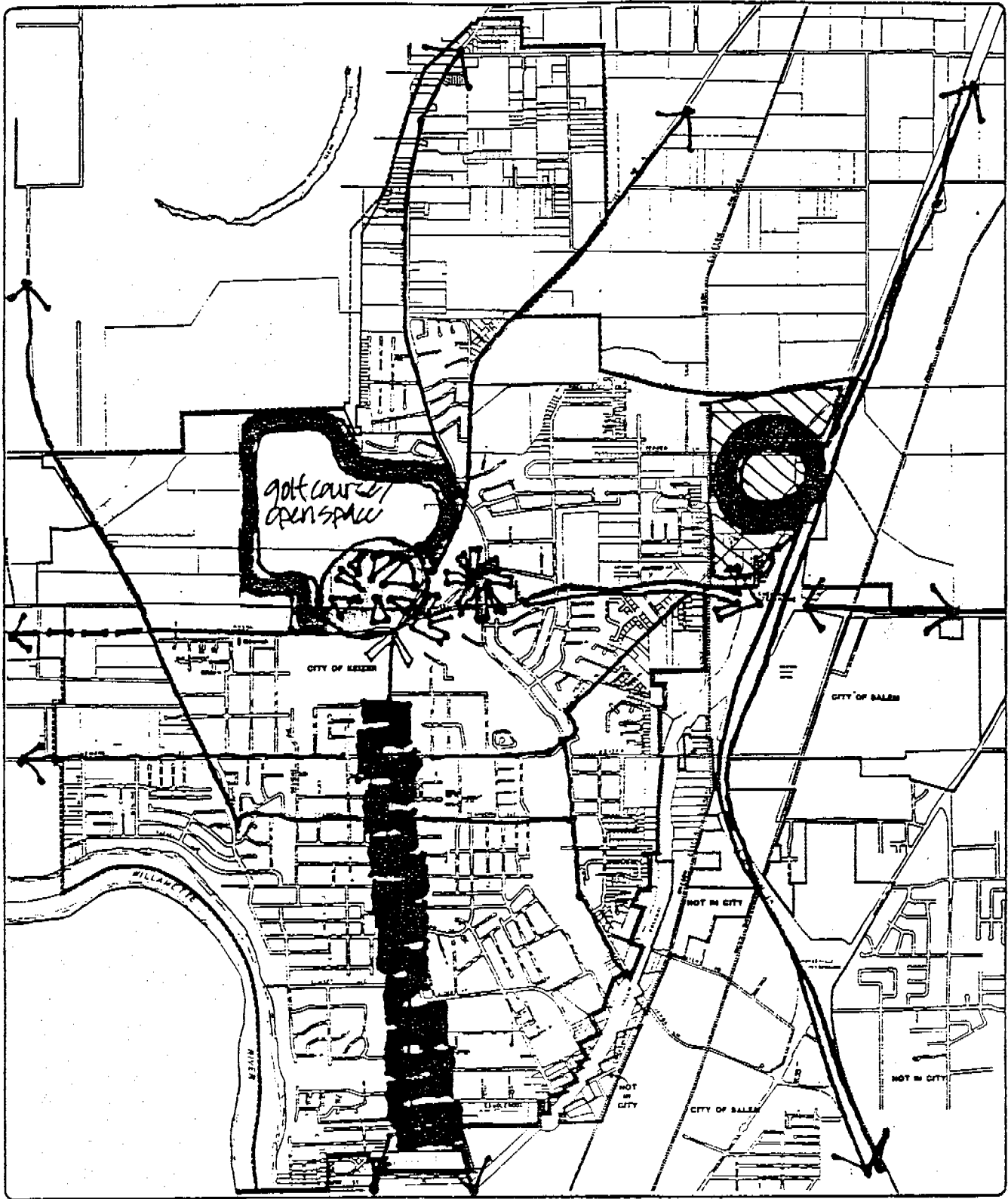


Figure 5
Urban Form Diagram
Option A

Legend

-  Highway Commercial
-  Civic/Office Node
-  Industrial
-  Commercial



City of Keizer
KEIZER COMPREHENSIVE PLAN

Wilsey & Ham

ECO Northwest

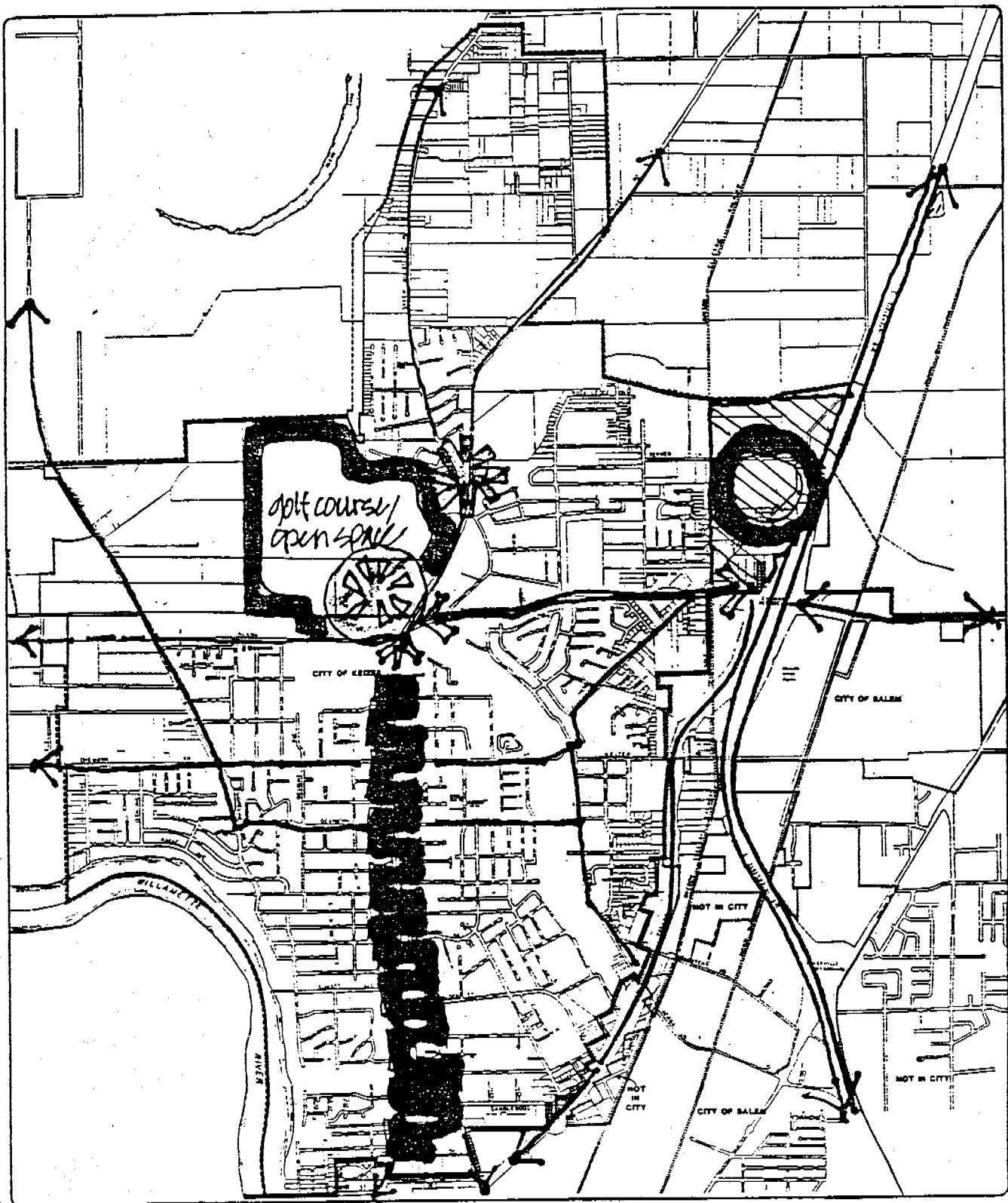


Figure 6
Urban Form Diagram
Option B

Legend

-  Highway Commercial
-  Civic/office Node
-  Industrial
-  Commercial



City of Keizer
KEIZER COMPREHENSIVE PLAN

Wilsey & Ham

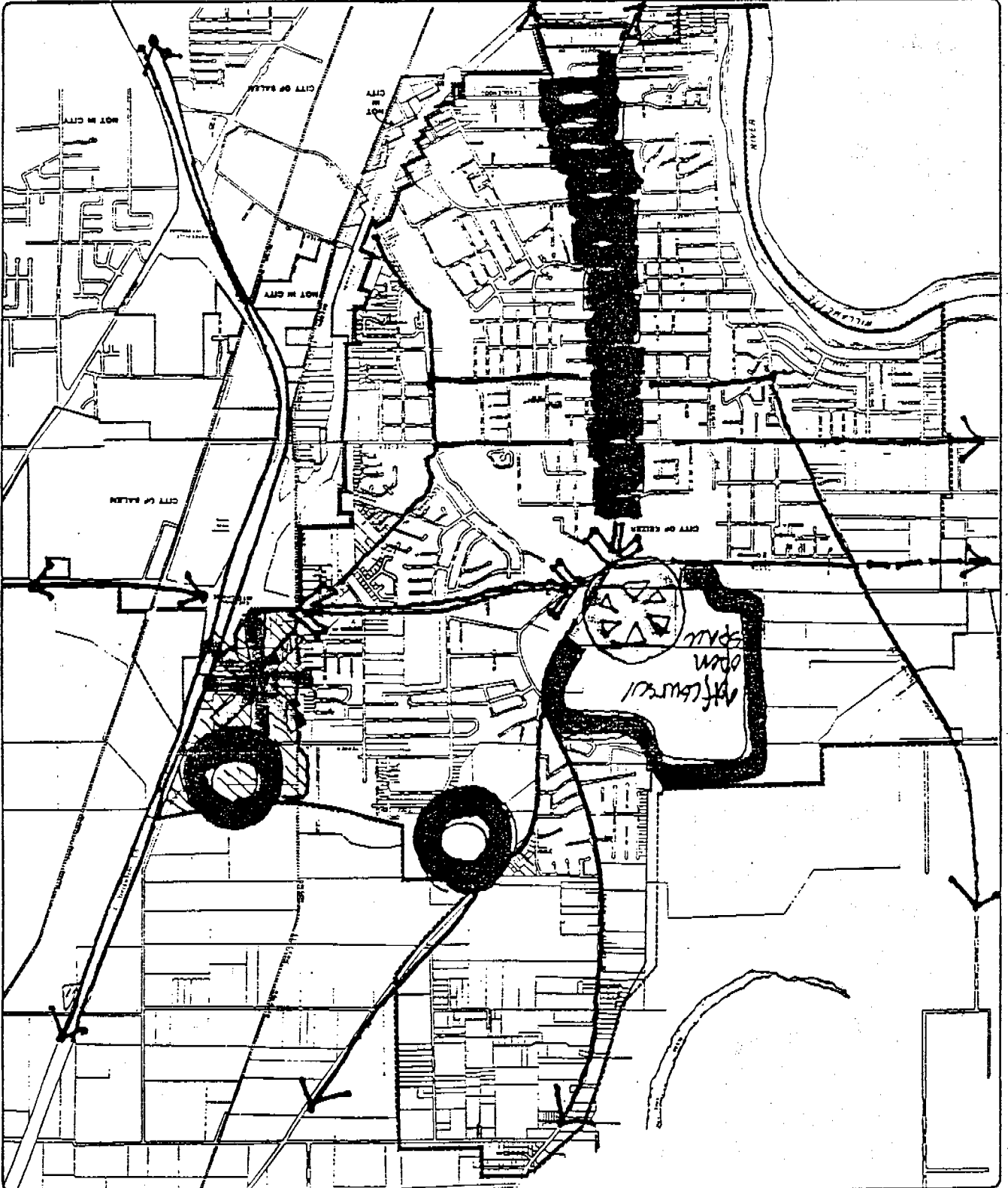
ECO Northwest



Highway Commercial
Civic/Office Node
Industrial
Commercial



Figure 7
Urban Form Diagram
Option C



C. WILLOW LAKE AREA

As discussed earlier in this working paper, an area east of the Willow Lake Sewage Treatment Plant consisting of about 234 acres has been established as a buffer zone between the sewage treatment plant and future residential development (see Figure 8). The current comprehensive plan designation for this area is for industrial uses limited to non-labor intensive activities unaffected by noise or odor. As summarized earlier, this area has few of the characteristics normally associated with industrial districts, and given the existing policy constraints imposed on this area, would unlikely see major development activity within the next 20 years. If this area is truly to be considered a buffer zone, then the City of Keizer has several options it should consider in designating this area for future uses.

The first option is to retain the industrial designation with development criteria as a good way to control new development which is undesirable near a sewage treatment plant. Another option would be to create an entirely new comprehensive plan designation recognizing this area as a buffer zone. Policies could be developed to insure its continuation as a buffer by supporting the continuation of agricultural activities in the area. A third option might be to amend the Urban Growth Boundary to exclude this area from the urban part of the region and insure its long-term use for agricultural purposes.

Any modification of the urban growth boundary is a regional issue which must be discussed and agreed upon by all jurisdictions in the Salem urban area. The City of Keizer should initiate discussions among local property owners and the affected jurisdictions to agree upon a long-term management plan for this area.

V. URBANIZATION

This section will summarize previous forecasts of vacant buildable land needed in Keizer to the Year 2005, and the analysis of lands available for urban development within the city. The Clear Lake area at the northern boundary of Keizer will be the subject of a detailed analysis to determine the appropriateness for including the area within the Salem Area Urban Growth Boundary.

A. LANDS AVAILABLE AND LANDS NEEDED - 2005

Previous sections have focused on an assessment of lands needed for future development and vacant buildable lands within the existing city limits of Keizer. Table 12 summarizes these analysis, drawing on several tables which appear earlier in this working paper. The total lands available for urban development within the existing city limits of Keizer are approximately 1,500

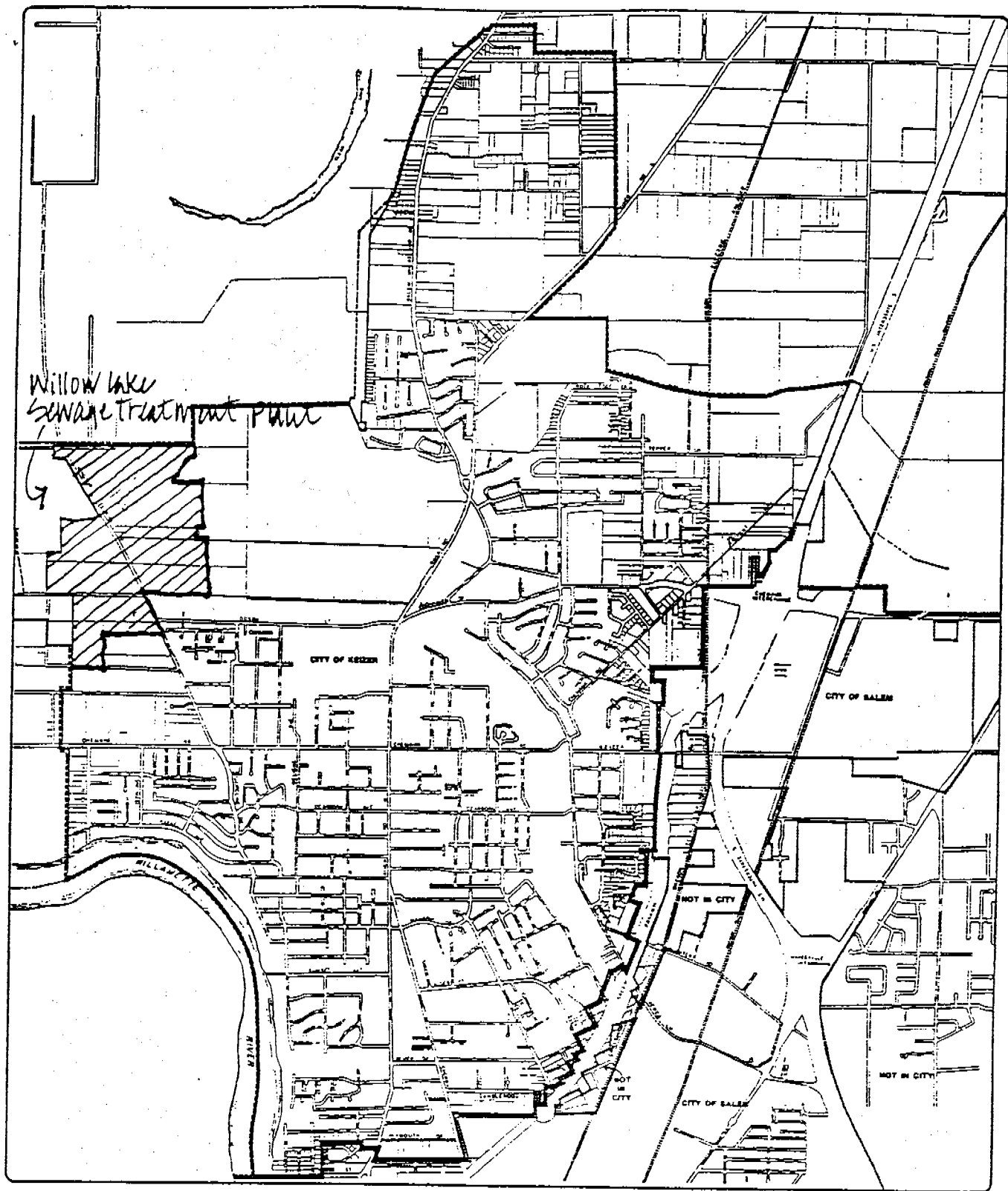


Figure 8
Industrial "Butter" Zone
Salem Area Comprehensive Plan

Legend



City of Keizer
KEIZER COMPREHENSIVE PLAN

Wisey & Ham

ECO Northwest

acres. As previously discussed, the total vacant acreage within the city has been reduced by about 450 acres. This reduction is due to areas within the city which are not considered to be suitable for urban development because of physical and other constraints to development. Physical limitations included areas within the 100-year floodplain. A "buffer" area near the Willow Lake Sewage Treatment Plant results in approximately 234 acres which are undevelopable. Additionally, some 116 acres of land are included within the vacant lands inventory, but subdivided into very small parcels which will not likely develop for new uses within the next 20 years.

Table 12 also summarizes lands needed for urban development between 1984 and 2005. Population forecasts have indicated that over 1,100 acres will be needed for residential and residential-related uses. Three alternatives have been discussed for the need for commercial and industrial land in Keizer. These alternatives provide a range of land need, from a continuation of the existing character of Keizer as represented by the Salem Area Transportation Plan forecast, to an assumption that Keizer could be a totally balanced community. By balanced we mean that Keizer could have the same proportion of commercial and industrial land to residential land as the Salem Urban Area as a whole. The midway range growth assumption for commercial industrial land assumes that only the new growth between 1984 and the Year 2005 would achieve this balanced relationship.

The results of comparing the summary of land available for development and land needed for urbanization to the Year 2005 is shown on the last line of Table 12.

Under the Salem Area Transportation Plan forecasts, the existing city boundaries contain approximately 192 acres of land not needed for urban development. Assuming that only new growth will be balanced between 1984 and Year 2005, the need for buildable land and land available for development is approximately the same. The area within the existing city limits contain approximately 23 acres of excess land needed by the Year 2005. Under the balanced community assumption, the existing city boundary will not be able to accommodate the need for growth to the Year 2005. An additional 310 acres is needed under this scenario to accommodate urban development within the City of Keizer.

It is important to point out that the ultimate determination of need for land within the City of Keizer is based on the policy choices that the citizens and officials of Keizer make for the community. If the consensus of the community is that the city wishes to remain the same kind of community as it is today, then there is more land within the existing city limits than needed for future development. In this case, the Urban Growth Boundary will most likely be modified to eliminate portions of the City of Keizer designated for urban development. The city will have to decide whether to develop specific management policies for rural and agricultural areas within their jurisdiction, but outside the urban growth boundary, or adjust the existing city boundaries to exclude those areas outside of a new Urban Growth Boundary.

TABLE 12
ANALYSIS OF LANDS WITHIN EXISTING CITY LIMITS (Gross Acres)
City of Keizer
1984-2005

Land Use Category	Acres		
LAND AVAILABLE			
Total Vacant		1950.0	
Floodway	30.3	(30.3)	
Floodway Fringe	144.0	(72.0)	
Buffer Area	233.7	(233.7)	
"Back Yard" Vacant	116.0	<u>(116.0)</u>	
TOTAL BUILDABLE		1498.0	
LAND NEEDED			
Single-family		801.0	
Multi-family		88.0	
Schools		90.0	
Parks		100.0	
Major Streets		<u>85.0</u>	
SUBTOTAL NEEDED		1164.0	
Commercial & Industrial			
SATP Forecasts		142	
"Balanced" Community			644
"Balanced" New Growth			<u>311</u>
TOTAL NEEDED		1306	1808 1475
Available - Needed		<u>(192)</u>	<u>310 (23)</u>

Source: Wilsey & Ham, City of Salem

If the City of Keizer chooses to provide for more commercial and industrial growth, land contained within the current city boundaries will accommodate the need for growth. This means that the character of Keizer will have to change in the future. Providing for new industrial, commercial and civic developments will require public investments in new sewers, streets and other public improvements. The busyness of the community and the overall level of activity will increase if Keizer provides for more employment and shopping opportunities within its boundaries.

B. ANALYSIS OF THE CLEAR LAKE AREA

A major focus for the question of need for urban land lies in the Clear Lake area of Keizer. Figure 9 shows the area as well as the several traffic analysis zones which are the basis for population and employment forecasts for the area. Working Paper 3 for Land Use and Urbanization discusses the history of the Clear Lake area and the current Oregon Supreme Court case which will determine whether further justification is required to include the Clear Lake area within the Salem Area Urban Growth Boundary.

From the previous discussion, it is clear that the kind of community Keizer residents decide it should be will determine whether sufficient land is now available within the Keizer city limits to accommodate future growth. It may be useful to outline some of the characteristics of the Clear Lake area so that the implications of these policy options can be more clearly understood.

Table 13 summarizes the developed, buildable, and unbuildable lands within the existing Keizer city limits, outside the Clear Lake area and the Clear Lake area. For purposes of statistical analysis, traffic analysis zone 87, 88 and 89 make up the Clear Lake area. These zones are shown on Figure 9. In general, most of the developed areas shown on Table 13 for the Clear Lake area are located south of Nottingham Drive. The vacant and buildable areas lie north of Nottingham within the existing city limits.

Developed areas within Clear Lake make up approximately 4% of the total area within the existing Keizer city limits. Clear Lake lies on a flat, high bench above the 100-year floodplain further to the south and has few physical constraints for development. Of the 642 acres within the three traffic analysis zones, 479 acres are vacant and buildable. These areas lie north of Nottingham Drive and comprise just under 11% of the total land area within the existing city limits. Most of the vacant lands within the Clear Lake area are currently used for agricultural purposes.

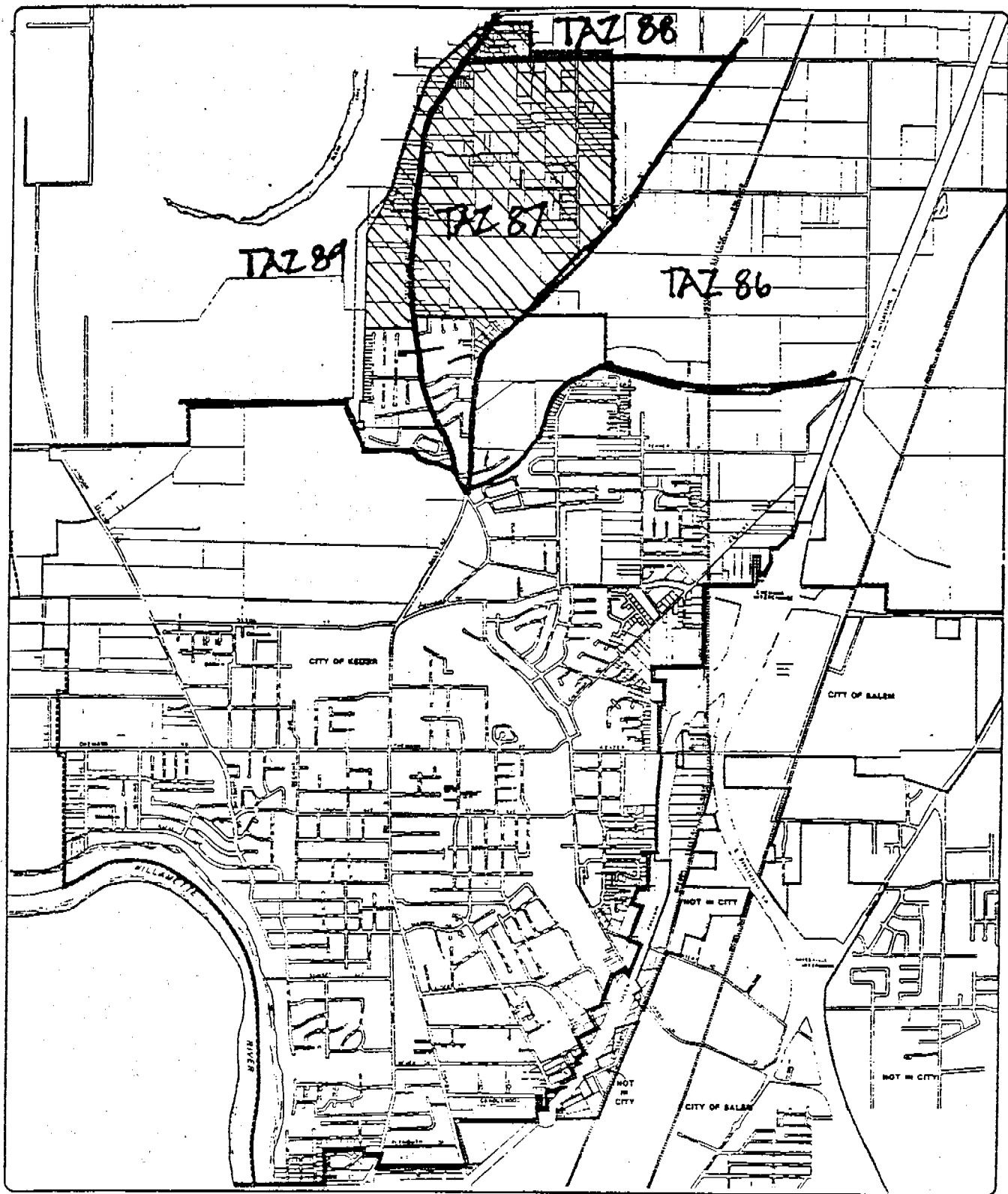


Figure 9
Clearlake Area & TAZ

Legend



City of Keizer
KEIZER COMPREHENSIVE PLAN

Wisley & Ham

ECO Northwest

TABLE 13
ANALYSIS OF LANDS WITHIN CLEAR LAKE AREA (Gross Acres)
City of Keizer
1984

	Existing City Limits	% of Total	Outside Clear Lake	% of Total	Clear Lake (taz 87,88,89)	% of Total
Developed	2,439.6	55.6	2,276.9	51.9	162.7	3.7
Vacant and Buildable	1,498.0	34.1	1,018.9	23.2	479.1	10.9
Unbuildable	<u>452.0</u>	<u>10.3</u>	<u>452.0</u>	<u>10.3</u>	<u>-0-</u>	<u>0.0</u>
Total	4,389.6	100.0	3,747.8	85.4	641.8	14.6

Source: Wilsey & Ham, City of Salem

A carrying capacity analysis has been conducted for lands designated for residential purposes in the Salem Area Comprehensive Plan and for the Clear Lake area. This analysis is summarized on Table 14. The residential land needs analysis, summarized in Table 10, was used to identify the single-family, multi-family and residentially related uses needed between 1984 and the Year 2005. As Table 14 indicates, approximately 1,141 acres of residential and related lands are needed to accommodate single-family, multi-family, schools, parks and major residential streets. This acreage is necessary to provide for approximately 4,400 new housing units needed for the next 20 years.

The Salem Area Comprehensive Plan land use designations for Keizer have been analyzed in terms of this analysis of need for residential and residentially related uses. Based on the land use inventory conducted by the City of Salem, vacant lands with residential comprehensive plan designations have been summarized and evaluated for buildability according to the criteria summarized on Table 11. The results of this analysis shown on Table 14 indicate that 1,251 acres of vacant buildable residential land are accommodated in the Salem Area Comprehensive Plan. The SACP provides for an extra 110 acres of residential land than is estimated to be needed by the Year 2005. If fully developed under the density assumptions discussed earlier in this working paper, the Salem Area Comprehensive Plan would result in approximately 4,800 new housing units.

TABLE 14
ANALYSIS OF RESIDENTIAL CARRYING CAPACITY (Gross Acres)
City of Keizer
1984-2005

LAND NEEDED FOR RESIDENTIAL
AND RELATED USES: 1984-2005¹

SACP
Vacant & Buildable²
Residential Lands

Clear Lake
Vacant & Buildable
All Vacant ²

Land Use	Units	Acres	% of Total	Acres	Units	Acres	Units
Single-family	2963	801.0	70.3	879.5	3254	336.8	1246
Multi-family	1396	88.0	7.7	96.3	1541	36.9	590
Schools		90.0	7.9	98.8		37.8	
Parks		100.0	8.8	110.1		42.2	
Major Streets (residential)	—	<u>62.0</u>	<u>5.3</u>	<u>66.3</u>	—	<u>25.4</u>	—
TOTAL	4359	1141.0	100.0	1251.0	4795	479.1	1836

1 From: Table 10

2 From: Table A (Appendix) and derived from buildable lands analysis, Table 11.

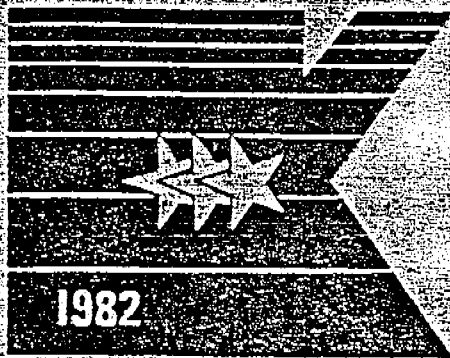
Source: Wilsey & Ham, City of Salem

The last two columns of Table 14 summarize the vacant buildable lands available in the Clear Lake area. All vacant lands are assumed to be devoted to residential uses in the same proportion as determined to be needed for residential forecasts. Approximately 480 acres are vacant and buildable within the Clear Lake area, of which 337 acres would be devoted for single-family housing and about 37 acres for multi-family housing. The remaining acreage would be used for schools, parks and major streets to support the residential neighborhoods. Under these assumptions the Clear Lake area could accommodate approximately 1,840 new housing units at full development. This amounts to approximately 42% of the total housing units forecasted to be needed in Keizer by the Year 2005.

C. CONCLUSIONS

The amount of land required within the Urban Growth Boundary (Keizer city limits) will depend on public policy choices. If Keizer is to continue as a bedroom community with few employment and shopping opportunities, then the current boundary cannot be justified on the basis of need. If more employment and shopping opportunities are provided, then the existing boundary will likely include an adequate amount of vacant buildable land. These policy choices are the responsibility of the City of Keizer in coordination with the other jurisdictions in the region.

Current residential land use designations in Keizer exceed the estimated need for vacant buildable residential and residentially related land by about 110 acres. In order for all lands within the existing city boundary to be justified for urbanization by need, approximately 110 acres of existing residentially designated land will need to be devoted for other purposes.



CITY OF KEIZER

Comprehensive Land Use Plan and Implementing Ordinances

Forecasts and Analysis

SOCIOECONOMIC
AND HOUSING FACTORS

Working Paper
Task 4

January 18, 1985

Wilsey & Ham
ECO Northwest

SUMMARY

We used as a base for all our forecasts U.S. census data and the forecasts of population, employment, and housing done by MWVCOG, the Salem Area Transportation Plan (SATS), and the Salem Area Circulation Study (SACS). Together these studies represent the official forecasts for the Salem area. Our intent was to use these forecasts as control totals for our forecasts for Keizer whenever our more detailed analysis found those forecasts reasonable.

Several factors make Keizer a desirable location for population growth and increase the likelihood that its population in 2000 will be greater than that predicted by the SACS model.

1. The new Chemawa interchange.
2. A suburban character many families find desirable.
3. Flat, buildable land.
4. Public services, including proximity of developable land to a sewage treatment plant.
5. Preliminary analysis by a major development firm of a 900-unit Planned-Unit Development around McNary Golf Course.

Without conducting a detailed analysis of the market for land in the Salem urban area, we cannot comment on other factors that affect development decision (especially relative land prices). Nonetheless, it appears to us that vacant land in Keizer has the characteristics necessary to make it an attractive location for new residential development and, thus, population growth.

For planning purposes, we recommend using the official forecast for the Salem urban area as a control total, and making the conservative assumption that Keizer will be a moderate-growth area (as compared to the top five "high-growth" census tracts in the Salem area), and will at least maintain its current percent share of the population of the Salem urban area. These assumptions result in a forecast of a population of 25,569 in 1995, and 30,212 in 2005 (assuming the official year-2000 MWVCOG forecasts are amended to become year-2005 forecasts). These assumptions allow Keizer to adjust its forecast easily if the official Salem urban area forecasts are changed further.

In our opinion, this estimate is a likely lower bound on population growth. If Keizer stays clear of overly restrictive land-development policies (e.g., limitations on service extension, tight urban growth boundary, inadequate zoning for different housing types) and institutes policies that encourage development, population could grow even more.

The employment allocations in SACS seem reasonable: we accept SACS estimates of the amount of employment the Salem urban area will get in five-year increments. To be consistent with likely changes in population projections, we assumed that each employment level would be achieved five years later than the current forecasts show (an assumption consistent with the changes currently contemplated by Salem and MWVCOG). In 1980, Keizer had 3,291 of the 74,245

Jobs in the urban area: 4.4%. In 2000, the forecast is for 5,640 of 111,760 jobs: 5.0%. This seems reasonable: we can hypothesize reasons that employment in Keizer might grow faster (particularly the new interchange), but we can also imagine why it might grow less (if, as a result of the planning process, Keizer citizens decide that they want to keep their community primarily as it is: a provider of housing for the Salem region). Table 5 shows the distribution of expected employment by type and by year.

The "need" for industrial and commercial land cannot be forecast with any certainty for a subarea of an urban area. Future employment is as much a function of policy and land-use designations as land-use designations are a function of expected future employment. There will be more than enough employment in the Salem urban area in all employment sectors to justify substantial increases in the amount of industrial and commercial land in Keizer. The key question for the City concerns its goals for employment growth. What kind of community should Keizer be? How much employment, and of what type, would be desirable? With these questions answered, Keizer should plan land-use consistent with these goals.

Using our recommended forecasts for population and assumptions about housing type and persons-per-household from the SACS, we forecast that approximately 3000 single-family units and 1400 multi-family units will be built between now and 2005.

I. INTRODUCTION

A. PURPOSE

In this working paper we use the data we presented in a previous working paper to make forecasts of future population, employment, and housing in Keizer. The key variable is population: estimates of future population are the basis for estimates of drive all future needs for housing and public facilities, and, to a lesser extent, for commercial and industrial land. We present those estimates in other papers.

B. BACKGROUND

Population forecasts for Keizer and for the Salem area are currently a source of political controversy. The problems are well enough known that we need only summarize here.

1. Planners working for local governments in the Salem area think the official ("208") population projections for the Salem area are high. Those official figures are the basis for the acknowledged Salem Area Comprehensive Plan and the Salem area UGB.
2. Salem-area governments are in the process of adjusting (lowering) those projections.
3. For Keizer's new plan to be acknowledged, it must be consistent with the Salem Area Comprehensive Plan, particularly with control totals for regional population. If Keizer does its own forecasts, other jurisdictions must agree that Keizer is expecting a reasonable share of the regional population growth.
4. Other jurisdictions worry that Keizer may make more detailed forecasts that may be supportable if analysis is limited to growth patterns in Keizer, but inconsistent if the less-detailed regional control totals are considered.
5. The previous problems are compounded by legal challenges of the Salem UGB, and the likelihood that Salem-area jurisdictions will have to redo the UGB findings to address the need for buildable land based on expected population and employment growth.

The problems become clear when one considers a hypothetical, but likely, situation. The "208" forecasts are for the entire area in the UGB--they are not officially allocated to subareas, such as Keizer (though transportation planners at Salem have developed a model to forecast subarea populations based on available land). Similarly, planners justified the Salem-area UGB based on growth for the entire urban area, not for subareas. Now consider Keizer. A cursory inspection of population and housing growth since 1970 shows that Keizer has grown faster than the urban area as a whole. Let's assume momentarily that trend will continue in the future. Keizer, now incorporated, must have sufficient land available within its own planning area to meet projected needs. It is no longer possible to look just at the entire

urban area and make sure available land matches expected growth: that type of analysis must occur for Keizer as well.

It is difficult to observe whether our analysis of Keizer's growth and land needs is consistent with the Salem Area Comprehensive Plan: that Plan contains no analysis of expected growth by subareas, and does not justify its UGB based on need. The main concern of other Salem-area jurisdictions is not that Keizer's analysis will be wrong, but that it may be justifiable and inconsistent with SACP, and may force those jurisdictions to conduct additional work on the Salem-area population forecasts and UGB analysis.

As consultants to Keizer, we believe our first responsibility is to make sure that the City plans for expected growth, where that planning includes making sure that the City has a twenty-year supply of land in its UGB (in this case, land in the Salem-area UGB and in the Keizer city limits). We hope that we can fulfill that responsibility and avoid changes that would require significant amendments to the regional analysis contained in the Salem Area Comprehensive Plan.

C. METHOD

In our forecasting work, we typically use expected employment growth to generate forecasts of population. The choice of employment as a driving variable results from both theoretical and empirical considerations: population will not grow unless there are new jobs, and employment data are more readily available in non-Census years. This method works well when applied to urban areas that include the large majority of job opportunities. Keizer, however, presents a particular problem. It is part of a larger urban area, but not the central city. It has been primarily a residential community, its citizens traveling to other parts of the region to work. Though forecasts of population based on employment would work well for the entire Salem area, they will not work for just Keizer, since its growth results from the growth of employment opportunities outside its boundaries.

We select our forecasting methods with this problem in mind. All of them are relatively simple. Our purpose is to generate a range of forecasts and then select from them the one we think most likely--the one Keizer should use for planning purposes.

For all the methods we describe below, we concentrate on Census Tracts 14 and 15, which include the majority of the current City of Keizer. We described on page 6 of our previous working paper how Keizer boundaries have varied over time, making Tracts 14 and 15 the only areas available for getting a consistent estimate of rates of population growth.

In our first forecast we look only at Keizer's rate of population growth between 1970, 1980, and the present. We make some assumptions about future economic conditions to adjust that growth rate, and then simulate future growth.

In our second forecasts, we look at historical relationships between population growth in the Salem area and population growth in Keizer. We assume those relationships will continue and project Keizer's population growth as a percentage of growth in the Salem area.

II. FORECASTS

A. OUTLOOK FOR GROWTH IN KEIZER

In our previous working paper we noted several points about growth in the Salem area and Keizer.

1. Growth of both employment and population in the Northwest, Oregon, and Salem SMSA has been faster than the U.S.; growth rates for Oregon and Salem SMSA have been greater than that of the Northwest region as a whole.
2. Most importantly for Keizer, the Salem SMSA has had higher growth rates than Oregon, the Willamette Valley counties as a group, and the Willamette Valley's Metropolitan areas as a group for 1970-1980 and 1970-1983 in both total wage-and-salary employment and employment in major economic sectors (i.e., manufacturing, government, and private nonmanufacturing).
3. Oregon and the Salem SMSA have both had steady, long-term growth in population and employment over the last 25 years. Notwithstanding the more noticeable short-term gains and losses, the long-term forces generating this growth will continue to act locally and regionally. Long-term growth in the SMSA's population and employment are most important to Salem's local economy and to Keizer's.
4. Despite the recessionary halt in population and employment growth in 1979-1980, the long-run trends are for moderate-to-strong growth.

We expect population and employment in the Salem area to continue to grow, probably at rates less than those of 1970-1980, certainly at rates greater than those between 1980-1984. The discussions about population forecasts now occurring among Salem-area jurisdictions are consistent with these assumptions. We recommend that Keizer accept the regional forecasts that ultimately result from that process. Accepting those forecasts is a further step toward the coordination necessary for acknowledgment.

More important, however, than the regional totals for population are the allocations to Keizer of some share of that regional total. Since such an allocation must occur for any planning of land use or public facilities, it is better that it be done explicitly than implicitly. The key point is that Keizer must have forecasts of population for its planning area (roughly its city limits); the hope is that its forecasts are consistent with the regional forecasts and acknowledged by other jurisdictions in the region.

The City of Salem has made population allocations to subareas (called traffic analysis zones) in five-year increments based on the amount of land available for development. To test these allocations for Keizer, we must examine its potential in more detail. Almost all the evidence suggests that Keizer will be a growth node in the Salem area. Population in Keizer's two central Census Tracts, 14 and 15, grew at an annual rate of 2.9% and 5.1% respectively between 1970-80. The average for 26 Tracts that approximate the Salem Urban

Area (i.e., are within the UGB) was 3.0%. Of the 26 Tracts, Tract 14 ranked 11th in population growth and Tract 15 ranked 7th.

As other working papers showed, Keizer has flat, buildable land and good public services. It has a suburban stability many families desire. Its accessibility has improved markedly with the opening of the Chemawa interchange on I-5. Suddenly, Keizer is close to shopping opportunities along I-5, such as Lancaster Mall, and even Washington Square in Portland.

Keizer is not the only spot for growth to occur in the Salem area. Suburban areas in East and South Salem grew more rapidly between 1970 and 1980. But with its history of strong residential growth, its increased accessibility, and its commitment to providing public services, it is certainly a likely area for continued growth in the Salem urban area. If the supply of buildable land is not restricted by public policy, substantial residential growth is likely to occur in Keizer.

B. POPULATION

Table 1 summarizes population data for Keizer, Census Tracts 14 and 15, the Salem Urban Area, and the Salem SMSA.

The forecasts for 1989 come from the National Planning Data Corporation, a firm that specializes in compiling and forecasting demographic information from the U.S. Census. Note that NPDC assumes an average annual compound growth rate of 1.4% for the combination of Census Tracts 14 and 15, compared to 0.7% for the Salem SMSA. Note further that between 1970 and 1980, population in Census Tracts 14 and 15 (our approximation of the Keizer area) grew at an average annual rate of 4.2%, compared to 3.0% for all census tracts in the Salem Urban area.

We have already mentioned the controversy surrounding existing forecasts for the Salem area. Nonetheless, it is instructive to examine these forecasts as a basis for more detailed analysis. Table 2 shows population forecast for subareas of the Salem urban area, done by the City of Salem.

Note several points.

1. Between 1970 and 1980, the Keizer Area (Tracts 14 and 15) grew 52%, while the average for all tracts in the Salem urban area was 35%. Not surprisingly, the fastest growing tracts in the urban area are at the urban fringe, primarily in the east and south. Of the 26 urban tracts, Tract 15 ranked 7th in population growth; Tract 14 ranked 11th.
2. The combined growth rate for Census Tracts 14 and 15 was 4.3% for 1970-1980. The NPDC estimates a rate of 1.6% for 1980-1984, decreasing to 1.4% between 1984 and 1989. Similar estimates for the Salem SMSA are 3.0%, 0.8%, and 0.7%. In other words, NPDC expects Keizer to grow at a rate roughly double that for the SMSA.
3. The population forecast of 212,520 for the Salem urban area in 2000 is the current official control total. Because most planners now think that this is a high estimate, it is likely that this number will become the control total for 2005.

TABLE 1. Population in Keizer and Salem Region, 1970-1989

Area ^a	1970 ^b	1980	Tot % Change 70-80	Avg % Change 70-80 ^c	1984 ^d	Avg % Change 80-84 ^c	1989 ^d (est)	Avg % Change 84-89 ^c
Census Tract 14	4,963 (2.7%)	6,643 (2.7%)	33.9	2.96	6,879 (2.7%)	0.88	7,171 (2.7%)	0.83
Census Tract 15	6,273 (3.4%)	10,395 (4.2%)	65.9	5.18	11,300 (4.4%)	2.11	12,349 (4.6%)	1.80
Census Tracts 14 & 15	11,236 (6.0%)	17,038 (6.8%)	51.6	4.25	18,179 (7.1%)	1.63	19,520 (7.3%)	1.43
Keizer	11,405 (6.1%)	18,592 (7.4%)	63.0	5.00	19,620 ^e (7.6%)	1.35	N.A. (--)	--
Salem Urban Area	101,671 (54.4%)	136,745 (54.7%)	34.5	3.00	N.A. (--)	--	N.A. (--)	--
Salem SMSA	186,658 (100%)	249,895 (100%)	33.9	2.96	257,503 (100%)	0.75	266,996 (100%)	0.73

^aCensus Tracts 14 and 15 approximate the developed area of Keizer. The boundaries of Keizer change between 1970-80 and between 1980-84; therefore, average percent changes are not reliable. The Salem Urban Area is the area in the current Salem UGB, and is approximated by summing Census Tracts 1-24, 51, and 52. The Salem SMSA is Marion and Polk counties.

^bNumbers in parenthesis show subarea population as a percent of SMSA population for the year noted.

^cAverage percent change is the average annual compound growth rate for the period noted.

^dPopulation estimates for 1984 and 1989 from a proprietary forecasting model of the National Planning Data Corporation. Not available (NA) for Keizer or the Salem urban area.

^ePopulation estimated by PSU, July, 1984.

TABLE 2. Population Forecasts by Subareas
for the Salem Urban Area, 1980-2000

Subarea	1980	1985	1990	2000	Pop at Full Devlp. c	Avg. % Growth '80-2000
CT 14	6,643	7,152	7,637	8,203	12,118	1.1
CT 15	10,395	10,805	12,407	14,520	15,703	1.7
TAZ 264, 265, 269a	1,689	1,757	1,907	2,227	2,659	1.4
TAZ 86, 87, 89a	2,077	2,255	2,709	3,484	7,638d	2.6
Total: Keizera	20,804	21,969	24,660	28,434	38,118	1.6
Total: Salem Urban Area ^b	138,015	158,037	179,866	212,520	317,016	2.2

SOURCE: Salem Area Circulation Study, City of Salem (Dave Pratt).

^aThe current city limits of Keizer are approximated by the sum of Census Tract 14, Census Tract 15, part of Census Tract 4 (Traffic Analysis Zones (TAZ) 264, 265, 269); and part of Census Tract 25 (TAZs 86, 87, 89). This definition conforms closely with the 1980 census definition of Keizer as a Census Defined Place.

^bSalem Urban Area, as defined in the Salem Area Circulation Study, includes Tracts 1-24, 51, and 52, plus the parts of Tracts 25-28 and 53 that are within the UGB.

^cPopulation at full development, i.e., the amount of people that would live in the subarea if all vacant land were developed at the assumed single-family/multi-family split, densities, and persons-per-unit.

^dThis number appears to be an error on the printouts available to us, underestimating population by at least 800, perhaps more.

4. Despite the fact that population Keizer grew at a greater rate than did population in the Salem urban area between 1970-1980, the forecasts for the Salem Area Circulation Study project that Keizer will grow at a lesser rate than the Salem urban area between 1980-2000 (or 2005).

This last point seems excessively restrictive. Where does the City of Salem expect the population increase in the Salem urban area to go? Table 3 shows the answer.

TABLE 3. Population by Census Tract, Salem Urban Area, 1970-2000

Census Tract	Population 1970	1980	% Change 1970-1980	Pop 2000	% Change 1980-2000
1	1369	818	-59.8	853	27.3
2	3897	3,078	-78.9	3,164	2.8
3	4864	4,246	-87.3	4,557	19.9
4	3995	4,258	6.5	5,141	20.7
5	4688	5,854	24.9	7,373	81.4
6	5164	4,511	-87.4	4,585	1.6
7	4901	3,691	-75.3	4,173	13.0
8	1284	2,252	75.9	NAA	NA
9	6083	5,797	-95.3	6,142	6.0
10	2342	2,512	7.3	3,240	89.8
11	4099	4,398	7.3	5,618	27.7
12	4284	3,760	-87.8	4,028	11.9
13	3461	3,385	-98.1	4,565	34.9
14	4963	6,643	33.9	8,203	23.5
15	6273	10,395	66.0	14,520	39.7
16	6837	14,639	114.1	23,234	93.2
17	4125	8,545	107.1	12,922	51.2
18	5629	12,730	126.2	14,436	13.4
19	2296	1,553	-67.6	NAA	NA
20	1210	1,852	53.1	11,334	612.0
21	5014	6,994	39.5	8,795	25.6
22	5688	7,201	26.6	9,814	36.3
23	1284	6,364	395.6	19,878	212.4
24	925	1,784	92.9	2,361	32.3
51	2023	1,779	-13.7	2,142	20.4
52	4973	7,706	55.0	17,738	230.2

SOURCE: U. S. Census (1970, 1980); Salem Area Circulation Study, City of Salem (2000)

The three big growth tracts are 20 and 23 (South Salem) and 52 (West Salem). Both Tracts 20 and 52 grew slower than Tract 15 between 1970 and 1980. The next group of fast-growing tracts contains Tracts 16 (Northeast Salem), 10 (South-central Salem), and 5 (North-central Salem). Tracts 10 and 5 were relatively slow growers between 1970 and 1980; though their expected growth rate between 1980-2000 is large, their absolute growth is small relative to total growth in the Salem urban area. The big increases in population occur in Tracts 20, 23, 52, and 16, which account for a population increase of about 41,600, over 76% of the expected increase in the Salem urban area.

Considering these points, we use several different techniques to estimate future population in Keizer. In the first, we simply apply historical growth rates in Keizer to the current Keizer population, compounding growth to the year 2005 (approximately 20 years). We make three simulations, based on three sets of assumptions.

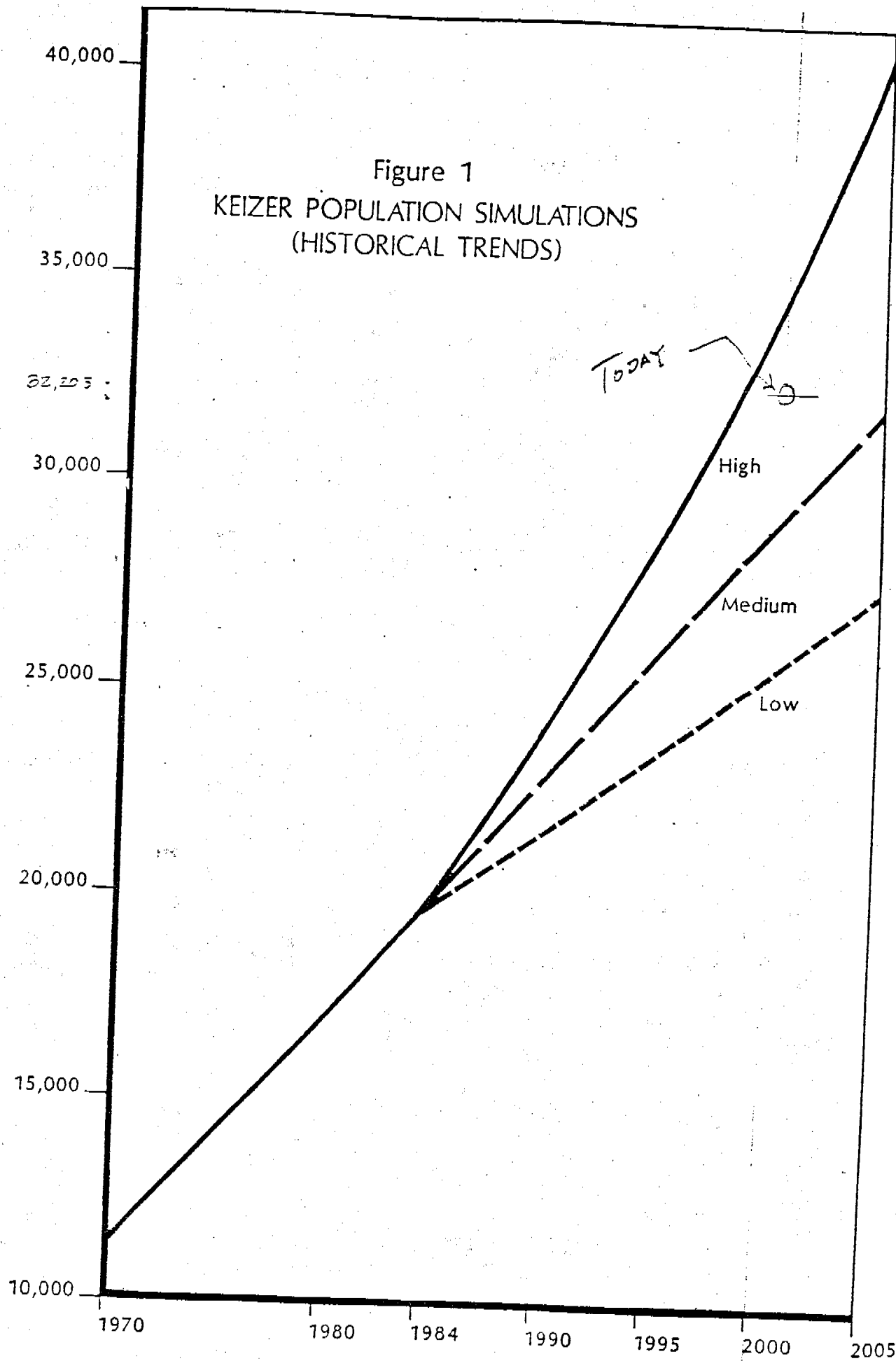
1. High: Keizer's population will grow at the combined average annual growth rate for Tracts 14 and 15 between 1970 and 1984, 3.5%. These fourteen years include both periods of rapid expansion and recession.
2. Medium: Keizer's population will grow linearly, based on the average annual increase in Keizer between 1970 and 1984 (587 persons/year).
3. Low: Keizer will grow at the combined average annual growth rate for Tracts 14 and 15 between 1980 and 1984, 1.63%. Those four years were all recessionary.

Figure 1 and Table 4 show the results.

In the second set of forecasts, we use the official Salem area population from MWVCOA as a control total, making three simulations based on three different sets of assumptions about the share of that growth Keizer will capture. In all assumptions we push back the forecasts by five years (e.g. the forecast for 1985 becomes the forecast for 1990, and so on) because it is likely that the official Salem-area population forecasts will be changed in this manner.

1. High: Keizer will continue to capture 9.8% of the growth in the Salem SMSA, as Census Tracts 14 and 15 did between 1970-1984. (We used Table 1 to calculate the 9.8% and to estimate SMSA population in 1984; we applied this percentage to SMSA projections by MWVCOG, revised July 8, 1980).
2. Medium 1: Keizer will grow at the average rate of growth for the Salem urban area, based on growth rates implied by Table 2.
3. Medium 2: Keizer will maintain its 1980 share of the population of the Salem urban area, approximately 14.2% (19,620/138,015).
4. Low: Keizer will grow according to the assumptions of the Salem Area Circulation Study.

Figure 2 and Table 4 show the results of those simulations.



SOURCE: ECO NORTHWEST

Figure 2
KEIZER POPULATION SIMULATIONS
(REGIONAL ALLOCATIONS)

32303

Today

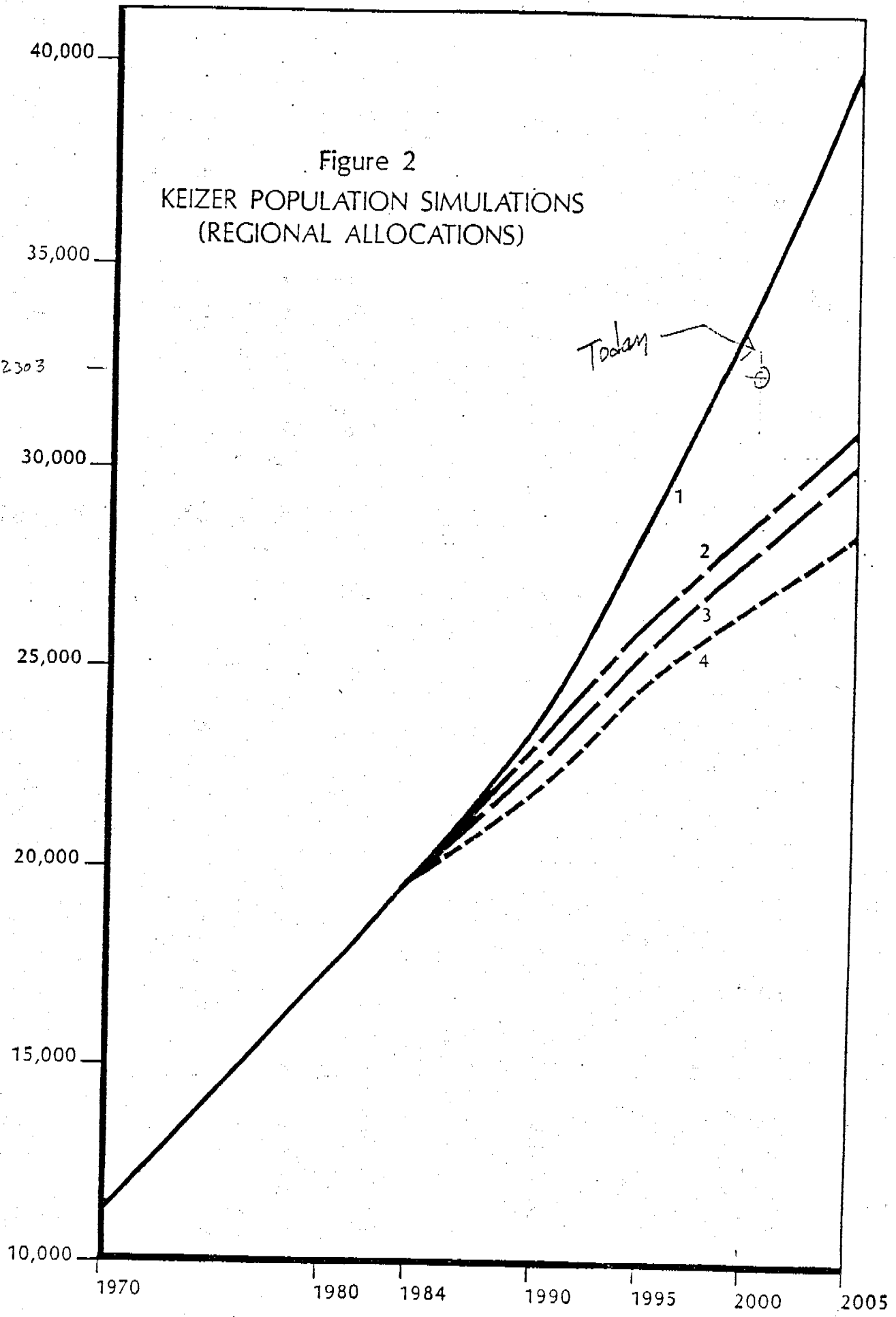


Table 4. Simulations of Population Growth
For The City of Keizer, 1984-2005.

Simulations based on:	1984	1990	1995	2000	2005
Historical Rates of Population Growth in Keizer					
HIGH	19620	24118	28645	34020	40405
MEDIUM	19620	23140	26075	29009	31943
LOW	19620	21619	23439	25413	27552

Keizer Share of Official Salem-area Population Forecasts					
HIGH	19620	23471	28557	33908	39494
MEDIUM 1	19620	23036	26217	28499	30977
MEDIUM 2	19620	22608	25569	NA	30212
LOW	19620	21969	24660	NA	28434

SOURCE: U. S. Census, MWVCOG, SACS, and ECO calculations. See text for description of assumptions.

Let's evaluate these simulations. Note first that we have done nothing more than manipulate numbers. We have not done a detailed analysis of the Salem economy and its ability to generate jobs, which would in turn stimulate population growth. Nor have we looked in detail at demand and supply factors (public amenities, relative taxes, accessibility, land and housing prices, amount of developable land) that give some locations in the Salem urban area a competitive advantage over others, thus making it more likely that those locations will attract a larger share of the total expected population growth. To a very limited extent the method used to allocate population in the Salem Area Circulation Study considers supply-side constraints: it bases its allocations on the amount of vacant land available. But the method does not consider the price of that land or its relative amenities. While such a method is certainly better than no method, most planners and developers understand that in today's competitive housing markets an area does not develop first just because it has more vacant land than other areas.

Consider some of the factors that make Keizer a desirable location for population growth, and that increases the likelihood that its population in 2000 will be greater than that predicted by the SACS model.

1. The new Chemawa interchange.
2. A suburban character many families find desirable.
3. Flat, buildable land.
4. Public services, including proximity of developable land to a sewage treatment plant.
5. Preliminary analysis by a major development firm of a 900-unit Planned-Unit Development around McNary Golf Course.

Without conducting a detailed analysis of the market for land in the Salem urban area, we cannot comment on other factors that affect development decision (especially relative land prices). Nonetheless, it appears to us that vacant land in Keizer has the characteristics necessary to make it an attractive location for new residential development and, thus, population growth.

For planning purposes, we recommend using the official forecast for the Salem urban area as a control total, and making the conservative assumption that Keizer will be a moderate-growth area (as compared to the top five "high-growth" census tracts), and will at least maintain its current percent share of the population of the Salem urban area. These assumptions result in a forecast of a population of 25,569 in 1995, and 30,212 in 2005 (assuming the official year-2000 MWVCOG forecasts are amended to become year-2005 forecasts). These assumptions allow Keizer to adjust its forecast easily if the official Salem urban area forecasts are changed further.

In our opinion, this estimate is a likely lower bound on population growth. If Keizer stays clear of overly restrictive land-development policies (e.g., limitations on service extension, tight urban growth boundary, inadequate zoning for different housing types) and institutes policies that encourage development, it could grow even more.

C. EMPLOYMENT

We assert at the outset that the situation in Keizer is such that using past trends for employment growth in Keizer alone to forecast future employment is an extremely poor forecasting technique. We'll explain why.

During the past twenty years, Keizer's growth has been primarily residential. The City has provided housing for people employed in other parts of the Salem urban area, primarily the City of Salem. While Keizer was a unincorporated area of Marion County, the City did not have to be concerned with this situation: it did not have its own tax base and was not concerned with its identity apart from that of the County and urban area. With incorporation, Keizer's concerns changed (or, possibly, because Keizer's concerns began to change, it incorporated). The concerns are legitimate.

Consider several potential concerns. First, as an incorporated city, Keizer wants an identity. It may develop this identity in many ways, but one way it wants to consider is to develop a more cohesive commercial center along River Road. Second, Keizer may also feel that now that it has more control over its land uses (or, at least, since it is in the process of reviewing and revising its land uses) that now is the time to provide land for shopping amenities its residents may desire. Third, Keizer may wish to change its image as a bedroom community by encouraging more employment opportunities in the City itself. Fourth, the City may consider it fiscally prudent to diversify its property tax base. Fifth, the opening of the Chemawa interchange on I-5 makes vacant land in the City at that interchange more attractive for commercial and industrial development.

All these points are legitimate reasons Keizer may want to change its land-use policies and designations. If such changes occur, then past trends are not good indicators of future conditions. For example, if we look at the amount of industrial development that has occurred in the City in the past 15 years, we would find it very small; our forecasts would likewise be for very small growth. For example, the employment forecasts in the Salem Area Circulation Study are based on existing plan designations. But if the City plans, zones, and markets land for industrial development, it is likely to attract more growth in ten years than we would otherwise have forecast for twenty.

We believe a reasonable forecast of employment growth cannot be done by limiting ourselves to Keizer's boundaries. A preferable technique is to consider likely employment growth in the Salem area, and then determine what share of this growth Keizer might be capable of capturing. Such a technique is not only desirable--it is necessary. There is no easily available data source that allows us to determine employment growth by type in Keizer over the last 15 years. U.S. Census data gives employment by place of residence, not place of work. To get the data we would like to have we would have to make major corrections to computer tapes of the Oregon Employment Division, or conduct a survey of Keizer businesses. Neither task is within our budget.

The subarea employment forecasts of the Salem Area Circulation Study start with data from the "202" tapes of the Employment Division, which list employees by tax address. Unfortunately, for many employers their tax address is not the same as their local business address: it may be the address for a main office in another county or state, or the address of a single, local office that does the administration for several local branches. The only way to correct for these problems is by contacting all addresses that might be potential problems. Dave Pratt, a planner at the City of Salem, said some field testing was done, and that he felt the employment data were reliable. Lacking any other sources of information, we accept as crude estimates of current employment the numbers in the Salem Area Circulation Study. Table 5 shows those estimates.

From Keizer's perspective, the problem with these forecasts is that employment growth by type gets allocated based on plan designations in the existing Salem Area Comprehensive Plan. If Keizer changes these designations (in particular, if it increases its industrial and commercial land) the logic of the forecasting model requires the forecasts to change as well.

Do the employment allocations seem reasonable? Let's accept the bottom line of Table 5 as a control total: the amount of employment we should expect in the Salem urban area in five-year increments. In 1980, Keizer had 3,291 of the 74,245 jobs in the urban area: 4.4%. In 2000, the forecast is for 5,640 of 111,760 jobs: 5.0%. This seems reasonable: we can hypothesize reasons that employment in Keizer might grow faster (particularly the new interchange), but we can also imagine why it might grow less (if, as a result of the planning process, Keizer citizens decide that they want to keep their community primarily as it is: a provider of housing for the Salem region).

We accept, therefore, the forecasts prepared by the City of Salem presented in Table 5. To be consistent with likely changes in population projections, the forecasts should probably be relabeled 1990-2005, instead of 1995-2000.

As a final point, note that Keizer's small size relative to the Salem urban area, coupled with the small number of major industrial and commercial developments, make employment projections very speculative. For example, an industrial park or regional shopping center at the Chemawa interchange could increase employment by 500 people. But the probability of that type of development occurring is less than 1: other locations compete for that development. Let's say the probability can be evaluated and it is .4 (a 40% chance). In statistical terms, the expected employment growth is then 200 (.4 x 500). But this is an abstraction: development either will or will not occur; employment will be either 500 or 0. In large cities, these uncertainties balance out. In small cities like Keizer, they are crucial.

The lesson of that example is that "need" for industrial and commercial cannot be forecast with any certainty for a subarea of an urban area. Future employment is as much a function of policy and land-use designations as land-use designations are a function of expected future employment. There will be more than enough employment growth in the Salem urban area in all employment sectors to justify substantial increases in the amount of industrial and commercial land in Keizer. The key question for the City concerns its goals for employment growth. What kind of community should Keizer be? How much employment, and of what type, would be desirable? With these questions answered, Keizer should plan land-use consistent with these goals.

TABLE 5. Employment Forecasts by Subareas for the Salem Urban Area

	1980	1985	1990	2000	Full Dev.	Avg. % Growth 1980-2000
CT 14						
Industrial	238	238	238	238	238	0.0
Retail	204	237	278	328	550	2.4
Office	429	476	525	620	887	1.8
School	286	317	366	392	548	1.6
Government	56	62	68	77	108	1.6
Total	1,212	1,329	1,475	1,655	2,331	1.6
CT 15						
Industrial	448	576	718	990	4,457	4.0
Retail	623	704	805	950	1,480	2.1
Office	335	450	571	674	1,311	3.5
School	233	258	272	291	408	1.1
Government	5	6	6	7	10	1.7
Total	1,643	1,993	2,372	2,912	7,665	2.9
TAZ 264, 265, 269a						
Industrial	74	131	194	312	828	7.2
Retail	77	130	193	229	419	5.4
Office	89	162	240	282	456	5.8
School	0	0	0	0	0	--
Government	0	0	0	0	0	--
Total	240	422	626	823	1,702	6.2
TAZ 86, 87, 89a						
Industrial	71	71	71	71	1,203	--
Retail	13	13	13	15	25	.72
Office	99	99	99	117	128	.84
School	13	14	15	48	67	6.5
Government	0	0	0	0	0	--
Total	196	197	198	250	1,423	1.2
Total: Keizera						
Industrial	831	1,016	1,221	1,611	6,726	3.3
Retail	917	1,084	1,289	1,522	2,474	2.5
Office	952	1,187	1,435	1,693	2,782	2.9
School	532	589	653	731	1,023	1.6
Government	61	68	74	84	118	1.6
Total	3,291	3,941	4,671	5,640	13,121	2.7

TABLE 5 continued

	1980	1985	1990	2000	Full Dev.	Avg. % Growth 1980-2000
Total: Salem Urban Area ^b						
Industrial	19,263	22,440	25,951	32,658	70,219	2.6
Retail	15,710	17,431	19,562	23,088	35,058	1.9
Office	17,781	21,211	23,762	28,052	37,386	2.0
School	4,618	5,113	5,616	6,370	8,918	1.6
Government	15,673	17,345	19,088	21,593	30,231	1.6
Total	74,045	83,541	93,979	111,760	181,812	2.1

SOURCE: Salem Area Circulation Study, City of Salem (Dave Pratt).

^aThe current city limits of Keizer are approximated by the sum of Census Tract 14, Census Tract 15, part of Census Tract 4 (Traffic Analysis Zones (TAZ) 264, 265, 269), and part of Census Tract 25 (TAZs 86, 87, 89). This definition conforms closely with the 1980 census definition of Keizer as a Census Defined Place.

^bSalem Urban Area, as defined in the Salem Area Circulation Study, includes Tracts 1-24, 51, and 52, plus the parts of Tracts 25-28 and 53 that are within the UGB.

D. HOUSING

Table 6 summarizes housing data for Keizer, Census Tracts 14 and 15, The Salem Urban Area, and the Salem SMSA.

TABLE 6. Selected Housing Characteristics, 1970-1980

	Housing Units Per Structure					Total	% Owner Occupied	Median Housing Value (\$)	Median Rent/ Month (\$)
	1	2	3-4	5 or More	Mobile				
Tract 14									
1970	1387	15	54	135	NA	1591	77.6%	17,500	105
1980	1957	63	127	345	164	2656	69.4%	53,100	211
% Change	41.1%	320%	135%	156%	--	66.9%	-10.6%	203.4%	101.0%
Tract 15									
1970	1810	69	48	71	NA	1998	77.7%	17,200	103
1980	2990	84	141	511	81	3807	65.1%	54,800	229
% Change	65.2%	21.7%	194%	620%	--	90.5%	-16.2%	218.6%	122.3%
Tracts 14 and 15									
1970	3197	84	102	206	NA	3589	77.7%	NA	NA
1980	4947	147	268	856	245	6463	66.5%	56,760	222
% Change	54.7%	75%	163%	316%	--	80.1%	-16.8%	--	--
Keizer									
1970	3034	90	96	329	130	3679	74.9%	17,500	102
1980	5338	207	348	981	259	7133	64.3%	57,300	217
% Change	75.9%	130%	262%	198%	992%	93.9%	-14.2%	227.4%	112.7%
Salem Urban Area ^b									
1970	27,420	1,077	1,484	4,708	NA	34,689	Not Calculated		
1980	38,461	1,907	2,823	9,360	2,101	54,652			
% Change	40.3%	77.1%	90.2%	98.8%	--	57.5%			
Salem SMSA									
1970	51,750	1,538	1,837	6,206	NA	61,331	67.8%	15,400	103
1980	70,389	2,763	3,849	12,985	6,903	96,889	65.4%	51,504	198
% Change	33.4%	79.6%	109.5%	109.2%	--	58.0%	-3.6%	234.4%	92.2%

SOURCE: U.S. Census.

^aIn 1970, mobile homes were included as single-family units.

^bCensus Tracts, 1-24, 51-52.

The data reflect well-known changes in the housing market between 1970-1980. The percentage of units constructed increased for multi-family housing and decreased for single-family housing; the percentage of units owner occupied dropped from around 75% to around 65%. In Keizer, the shift was even more dramatic. Looking at Tracts 14 and 15 combined, multi-family housing (2 or more units) grew 224% between 1970-1980; for the Salem urban area, that growth was only 94%. Despite this increase in the construction multi-family, lower-cost housing, housing values in Keizer were greater than those for the SMSA (not surprising, given that the SMSA includes urban and non-urban housing in Marion and Polk Counties). Between 1970-1980, Keizer (Tracts 14 and 15) accounted for 14.4% of the new units in the Salem urban area. The ratio of single-family/multi-family construction (with mobile homes considered single-family) was 69/31 in Keizer (Tracts 14 and 15); 66/44 in the Salem urban area.

What has happened between 1980-1984? The numbers of building permits issued, shown in Table 7, give a rough idea. Between 1970-1980 there were an average of 1996 units constructed per year in the Salem area. In 1980, the number of permits began to decline sharply, hitting bottom in 1983 at 243, 12% of the 1970-80 average. During the period 1980-1984 Keizer (CT 14 and 15) accounted for 13.7% of all permits issued in the urban area. Admittedly, permits are not the same as constructed units, but the trends support those we found when we examined population: in 1980, Tracts 14 and 15 contained 12.5% of the urban area population; the building permits suggest that those tracts contain at least that percentage in 1984.

Also note that between 1980-1984 the multi-family boom ended in both Keizer and the Salem urban area. Between 1970-1980, in Tracts 14 and 15, multi-family units were 30.6% of total units construction; between 1980-1984, they were 12.9% of total permits.

As with population and employment, we compare our summary of relevant data to the assumptions used in the Salem Area Circulation Study (SACS) hoping that we find no major discrepancies and can therefore use the SACS analysis and forecasts. Table 8 shows the forecasts.

SACS assumes 2.64 persons per single-family unit, and 1.67 persons per multi-family units. In Keizer, these ratios in 1980 (from U. S. Census data) were 2.94 and 1.95. We do know that the number of persons per unit decreased substantially between 1970-1980 in Keizer and the Salem urban area; the trend will probably continue. Since the SACS forecast is using a single, average ratio for all years between 1985-2000, we would expect the ratios to be lower than actual ratios in 1980.

The SACS forecast predicts a total of 2240 single-family units and 1031 multi-family units will be constructed between 1980-2000, a single-family/multi-family ratio of about 68/32. As we did with population, let's assume that current work on revised estimates will cause these number to occur five years later, i.e., that the forecasts in Table 8 are really for new units between 1985-2005. We have already described why we think the SACS forecast of population is too low, and presented a forecast we think more realistic. If we use our new population forecast with SACS assumptions about housing type and persons per household, we can calculate new estimates of housing construction, shown in Table 9.

To be consistent with our recommended forecasts for population, Keizer should use the medium simulation for planning purpose, making sure that it has land sufficient for approximately 3000 single-family units and 1400 multi-family units.

TABLE 7. Building Permits in Keizer and Salem Urban Area, 1980-1984

	1980	1981	1982	1983	1984b	Total
CT 14						
SF	37	33	23	11	5	109
MF	10	19	0	0	0	29
Total	47	52	23	11	5	138
CT 15						
SF	60	17	90a	20	22	209
MF	18	0	0	0	0	18
Total	78	17	90a	20	22	227
CT 14 & 15						
SF	97	50	113	31	27	318
MF	28	19	0	0	0	47
Total	125	69	113	31	27	365
Salem Urban Area						
SF	1059	510	249	231	208	2257
MF	78	258	6	12	50	404
Total	1137	768	255	243	258	2661

SOURCE: MWYCOG, Summary of building permits issued by Salem, Marion County, and Polk County.

^aIncludes 85-space mobile home park.

^bFirst 3 quarters.

TABLE 8. Forecasts of New Units by Type
Per Period by Subareas for the
Salem Urban Area, 1980-2000, SACS

	1980- 1985	1985- 1990	1990- 2000	TOTAL 1985-2000
CT 14				
SF	169	134	161	464
MF	37	79	84	200
CT 15				
SF	116	524	630	1270
MF	63	132	270	465
TAZ 264, 265, 269				
SF	10	23	27	60
MF	26	54	149	229
TAZ 86, 87 89				
SF	67	172	207	446
MF	0	0	137	137
Total: Keizera				
SF	362	853	1025	2240
MF	126	265	460	1031
Total: Salem Urban Area ^b				
SF	6001	5954	9692	21647
MF	3118	3076	4980	11174

SOURCE: Salem Area Circulation Study, City of Salem (Dave Pratt).

^aThe current city limits of Keizer are approximated by the sum of Census Tract 14, Census Tract 15, part of Census Tract 4 (Traffic Analysis Zones (TAZ) 264, 265, 269) and part of Census Tract 25 (TAZs 86, 87, 89). This definition conforms closely with the 1980 census definition of Keizer as a Census Defined Place.

^bSalem Urban Area, as defined in the Salem Area Circulation Study, includes Tracts 1-24, 51, and 52, plus the parts of Tracts 25-28 and 53 that are within the UGB.

TABLE 9. Forecasts of New Units by Type
Per Period for Keizer, 1984-2005^a

	1984- 1990	1990- 1995	1995- 2005	TOTAL 1984-2005
Population Assumption ^b				
High Simulation				
SF	1074	1426	3006	5566
MF	505	671	1443	2619
TOTAL	1579	2097	4509	8185
Medium Simulation				
SF	832	830	1301	2963
MF	392	391	613	1396
TOTAL	1224	1221	1914	4359
Low Simulation				
SF	653	754	1058	2465
MF	307	355	498	1160
TOTAL	960	1109	1556	3625

SOURCE: SACS and ECO calculations.

^aAll simulations are based on these assumptions from SACS: 1.97 persons/multi-family unit, 2.64 persons/single-family unit, 68% single-family, 32% multi-family. These assumptions yield the following estimating equations for each year, where change in population is estimated as described in footnote b below:

$$2.64 (.68) H + 1.97 (.32) H = \text{Change in Population,}$$

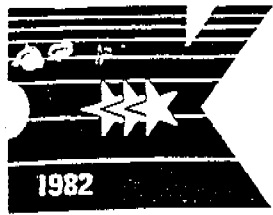
where H is total housing units, the dependent variable. We use the derived value of H to solve for the number of multi-family and single-family units.

^bAll simulations are from Figure 2 (Table 3) of this memorandum.

High Simulation: Keizer gets 9.8% of SMSA-growth

Medium Simulation: Keizer maintains 1980 share of population of Salem urban area

Low Simulation: same as SACS, but five years later



City of Keizer — Community Development

Phone: 390-3700 • Fax # 390-8295

930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

CITY COUNCIL MEETING: May 4, 1992

AGENDA ITEM NUMBER: 5

TO: MAYOR AND CITY COUNCIL

THROUGH: DONALD H. OTTERMAN M.S.P.A. *DHO*
CITY MANAGER

FROM: JOHN N. MORGAN, AICP *JNM*
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PUBLIC HEARING - PERIODIC REVIEW OF
THE KEIZER COMPREHENSIVE PLAN

INTRODUCTION

The Keizer Comprehensive Plan was adopted on January 19, 1987 and acknowledged by the Land Conservation and Development Commission on February 10, 1987. Oregon Administrative Rule 660 requires all jurisdictions to periodically review and update their comprehensive plans.

There are four factors that must be considered. For each factor, the jurisdiction must determine if and how the factor applies and then draft amendments to the Comprehensive Plan to meet the factor requirements.

SUMMARY

The four factors, and the draft periodic review document's response, are summarized below:

Factor One - Substantial Change in Circumstances

The review finds there have been no major unanticipated developments or events impacting the Keizer urban area. However, there have been changes in the urban area government's regional approach to planning. This necessitates amendments to the Keizer Comprehensive Plan.

On page 1-3 of the periodic review order are found the new regional policies. These policies, which are being adopted by all four jurisdictions, define how the governments relate to each other on matters impacting the entire urban area. The changes in these policies primarily focus on Keizer's comprehensive plan standing as its own document rather than as a subset of the Salem Area Comprehensive Plan. The policies eliminate many of the concurrence requirements, as well as set more independent policy on management of the urban growth boundary. The regional policies also

City Council
May 4, 1992

reflect the provisions of the Willow Lake Wastewater Treatment Plant agreement. Of particular note is the regional policy found on page 1-12 calling for "effective utilization of land for residential development....". This is followed up specifically in later sections.

The Council should carefully review the analysis of plan policies that have not been met beginning on page 1-16. This identifies things that are in the 1987 Plan that have not been carried out. It provides a remedy for each that generally involves setting a new time frame.

Housing is discussed beginning on page 1-21. Highlights include adopting a definition of "adult residential home care" that conforms with state law, along with zoning provisions that allow such homes without discrimination. There are similar changes for "child day care."

Transportation begins on 1-30. The order updates the Keizer Comprehensive Plan to reflect the more recently adopted Salem Keizer Area Transportation Study Year 2005 Transportation Plan. It also sets other policies that more closely reflect the major provisions of the Salem Transportation Plan. Major new policies include d.iii. which calls for a 20 percent transit ridership rate at the peak hour, and policy f.ii. setting city policy to try to acquire the Burlington Northern right-of-way. Three changes in the SKATS plan map are proposed on plate 1-35.

Factor Two - New or Amended Goals or Rules Adopted Since the Date of Acknowledgment

The order analyzes the economic trends of the community and finds the existing plan is adequate in addressing them. The same is found for housing except for setting a new policy requiring new residential development to average 6.5 dwelling units per acre over all. Since 1987, residential development has averages 7.2 dwelling units per acre, which is greater than the Comprehensive Plan land use map envisions. There should little difficulty achieving the 6.5 figure, but the policy helps assure the city "holds the line" in working to achieve a compact, efficient urban form.

The new Public Facilities Plan begins on 2-17. This plan summarizes existing major facility plans for streets, sewer, water, and storm drainage. It includes identification of specific projects, programs construction of those projects, and makes cost estimates.

Factor Three - New or Amended State Agency Plans or Programs Adopted Since the Date of Acknowledgement

The only changes proposed resulting from this factor are new policies dealing with air, water, and noise quality stating that all uses must conform with DEQ regulations.

City Council
May 4, 1992

Factor Four - Additional Planning Tasks Required at the Time of Acknowledgment or Agreed to in Receipt of State Grant Funds

The analysis finds there are no changes required by this analysis.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission has reviewed the proposed order in detail. Following a public hearing, the Commission unanimously voted to forward the order to Council with a recommendation for its passage.

CITY OF SALEM REQUEST FOR EXTENSION OF THE PUBLIC HEARING

Attached to this report is a letter from City of Salem asking for an extension of the hearing until July.

CONCLUSION

The periodic review order finds that the existing Keizer Comprehensive Plan is sound. With a few minor revisions and updates, with revised regional policies sitting in the forefront, the Keizer Comprehensive Plan will continue to serve the community well for the near future.

RECOMMENDATION

It is recommended the Council, after closing the public hearing, direct the staff to prepare an adopting ordinance to be returned for first reading at the next meeting.



CITY
OF SALEM,
OREGON
City Hall / 555 Liberty St. S.E.
Zip Code 97301-3503

April 28, 1992

PLANNING DIVISION
Room 305
Telephone (503) 588-6173

John N. Morgan, Community Development Director
City of Keizer
P.O. Box 21000
Keizer, OR 97307-1000

RE: Keizer Local Order, Periodic Review

Dear John:

Salem is in the process of completing a formal review of the Keizer Local Order for Periodic Review. The process the City is following is the one set out in the Comprehensive Plan. Under Salem's schedule the Planning Commission is scheduled to complete its review on May 5. The Salem City Council will hold a public hearing on the Order on May 11. Following the normal procedures for first and second reading, we anticipate that the City of Salem ordinance approving the Order will have an effective date of July 7, 1992.

We recognize that Salem's schedule exceeds Keizer's proposed time frame for adoption. Salem has experienced an extremely high number of requests for land use actions in recent months which has limited our flexibility to act on a number of fronts. This has even included the land use actions themselves. City Council has authorized a delay in our land use processes of up to 60 days to account for the influx of applications. Consequently, we have been adjusting our work priorities and delayed action on Keizer's request.

Salem shares your interest in completing Periodic Review. Keizer's February 1992, adoption of the Local Order for the Salem Area Comprehensive Plan after due consideration of our August 1990 proposal was a significant step in that direction. In a legal context, we all recognize that the completion of Keizer's Periodic Review with respect to implementing the new "regional policies" format requires all four jurisdictions to sign off on Periodic Review on the Salem Area Comprehensive Plan at the same time. It appears that Marion County is moving in a direction where concurrence on this matter will be a reality.

Therefore, Salem requests additional time to accomplish the procedures currently prescribed for a legislative Comprehensive Plan amendment as proposed in the Final Order. The City of Salem requests the City of Keizer delay final action on the Final until July 7, 1992.

Please let me know if you have further questions about Salem's process regarding this matter.

Sincerely yours,

Roger A. Budke
Assistant Planning Administrator

cc: Gary A. Eide
Kenn Battaile

October 22, 1991

RECEIVED

OCT 25 10 16 91

City of Keizer
P.O. Box 21000
Keizer, OR 97307

RE: 2040 Chemawa Road N.E.
Keizer, Oregon

Gentlemen:

I am calling your attention to the situation relating to my property which, as it is now set up, is very unfair.

The way the existing comprehensive plan is written (which has been in effect since 1987) prevents the use of this property for residential development.

You should seriously consider the hardship you have imposed on property owners in this area. Changes must be made to rectify this unjust zoning to allow property owners to do what we desire with our own property.

I assume I will be notified of any meetings or further action regarding my property.

Sincerely,

Elmer E. Koppen

Elmer E. Koppen

MAIL-PERIODIC REVIEW

Keizer, Or.

2-21-92

Keizer City Council

Keizer City Hall

Keizer, Or. 97303

Re: Chemawa Activity Center

RECEIVED

FEB 24 AM 11 27

Dear sir -

I am Mildred Hays. I own twenty-three acres of land and a home in the Chemawa Activity Center Area.

I am very concerned about a recent Keizer Council action as reported in the Statesman quote: "The Salem City Council agreed Monday to declare that Salem is unaffected by the McNary activity Center plan, a prerequisite to the 140 acre Staats Lake project."

Keizer officials Feb 3 gave in to Salem's request for regional development policies in hopes of triggering that action.

The regional issue was voted down by the voters 2 years ago after Salem stopped General Growth developers from putting in a mall here.

Keizer is a city and has the rights of an independent city unless those rights are signed away. That happened before when Simon was mayor and signed the agreement with Salem, Marion, and Polk Counties giving them

a note on regional issues. This is simply reinstating that right in a little different wording.

The Staats Lake project sounds like good use of the land and there is no reason for it to concern Salem.

Now I'm told Keizer has never adopted the development Committee plan for the Chemawa Activity Center. This plan was worked out in detail by the people of Keizer with the help of John Spencer and presented to the Keizer Council by John Spencer for approval in 1988.

I'm asking the Keizer officials to please review this plan, update and approve it. That is the first step toward future development here.

This area is a part of Keizer because Keizer was told that in order to become a city Keizer had to have more commercial land.

Sincerely,

Mildred Hays

February 20, 1992

City Council
City of Keizer
PO Box 21000
Keizer, Oregon 97307

RECEIVED

'92 FEB 21 AM 9 34

Gentlemen:

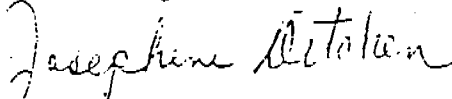
I strongly urge the City Council to encourage the staff and the Planning Commission to give top priority to revising and updating the Feasibility Study for the development of the Chemawa Activity Center (Interchange). This study was done by John Spencer Associates in February 1988 and was never officially adopted.

The Budget Committee is facing a difficult challenge. We need new revenues through an expanded tax base that does not look to the homeowner and the small business man.

The Keizer Tomorrow Committee has done an excellent job of ascertaining the desires of the community for future development. These desires along with the budget expenses take money.

The property owners on Radiant Dr. have listed their property for sale with Prudential Real Estate Professionals. Development is happening but we need this design plan adopted for the benefit of all our citizens.

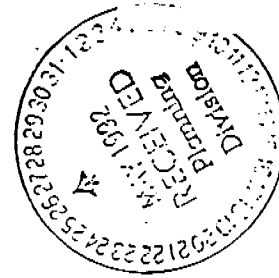
Sincerely,



Josephine Ditchen
7332 74th Ave NE
Salem, OR 97305



Marion County
OREGON
COMMUNITY DEVELOPMENT
DEPARTMENT



DIRECTOR
Craig O. Luedeman

MEMORANDUM

BUILDING INSPECTION
(503) 588-5147

TO: Kenn Battaille, City of Salem

PLANNING &
ENFORCEMENT
(503) 588-5038

FROM: Russ Nebon, Marion County

BOARD OF
COMMISSIONERS
Randall Franke
Gary Heer
Mary Pearmine

DATE: May 22, 1992

SUBJECT: Periodic Review

ADMINISTRATIVE
OFFICER
Ken Roudybush

The Board of Commissioners reviewed and approved the industrial policy proposed in your memorandum of May 11, 1992.

The Board is ready to proceed with adoption of the Salem Area Comprehensive Plan Final Local Review Order with this industrial policy included in lieu of Industrial Policy 12, and with the previously agreed upon modifications, but excluding the proposed General Development Policy 18 regarding annexation of new development contiguous to the city limits. Until the adverse effects of annexation on property tax revenues as a result of Measure 5 are addressed the Board is unwilling to alter longstanding plan policy.

Let me know if the city would like the county to proceed with final approval on this basis.

ATTACHMENT A

TO: MAYOR AND CITY COUNCIL

EXHIBIT "A-140"

THROUGH: GARY A. EIDE, CITY MANAGER

FROM: *Robert Briscoe*
ROBERT BRISCOE, DIRECTOR
COMMUNITY DEVELOPMENT

SUBJECT: PERIODIC REVIEW: A STRATEGY FOR COMPLETION

ISSUE

What is the status of Periodic Review and what are the steps to complete it?

POLICY DECISIONS

None.

BACKGROUND

All four local jurisdictions (Salem, Keizer, Marion County and Polk County) must concur in any change in the Salem Area Comprehensive Plan. Periodic review consists of 200 to 300 changes in the Plan. Concurrence has yet to be achieved on all the proposed changes.

FACTS AND FINDINGS

1. A proposed Final Local Review Order for the Salem Area Comprehensive Plan was published in July 1991.

SALEM Closed its hearing in September 1991, awaiting concurrence from the other three jurisdictions.

Adopted the Keizer Comprehensive Plan Final Order.

Endorsed eight policy revisions initiated by Marion County.

Action Required. Hold a public hearing August 10, 1992 on the eight revised policies initiated by Marion County. Wait for concurrence from the three jurisdictions prior to adoption of the entire Final Order.

KEIZER Adopted the SACP final order of September 1991 and seven of eight of the policy revisions originating with Marion County.

Action Required. Hold a public hearing for the one of eight policy revisions initiated by Marion County remaining to be heard and adopted as an amendment.

POLK Adopted an ordinance regarding the SACP and Periodic Review.

COUNTY

Action Required. Hold a public hearing and adopt the July 1991 Review Order, as amended by the eight policy revisions initiated by Marion County.

MARION Action Required. Hold a public hearing on the eight revised policies and adopt the July 1991 Review Order as amended.

DISCUSSION OF ALTERNATIVES

The Department of Land Conservation and Development has placed all four local jurisdictions on notice that Periodic Review must be completed by September 30, 1992. The basic alternatives for completing Periodic Review remain.

The alternatives are:

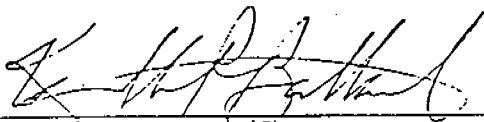
- A. Adoption of the July 1991 Review Order as amended by all four local jurisdictions. Each of the other jurisdictions must take actions identified in the Facts and Findings. Final concurrence is required by August 17, 1992 so that Salem can adopt the final ordinance as required under existing Comprehensive Plan rules prior to September 30.
- B. The four jurisdictions adopt the portions of the Review Order, as amended, that each concurs in by no later than August 17, 1992. Salem will then incorporate the portions of the Review Order all jurisdictions have concurred in into Salem's final ordinance. Concurrence in only portions of the proposal will accomplish a "segmented" order and cause future work on the remaining issues.

At the present time Marion County (Attachment A) indicates an unwillingness to proceed without further revision of one policy on annexation. City staff has advised the County staff that the annexation policy was previously agreed to and that this Periodic Review process needs to terminate prior to starting the next one.

- C. Failure to agree to a substantial portion of the review order will necessitate additional work to resolve issues. One possibility is mediation. The City staff is exploring this type of approach with the Department of Land Conservation and Development.

RECOMMENDATION

That the City Council set a public hearing on amendments to the Final Local Review Order of July, 1991 for August 10, 1992 and notice the other three local jurisdictions as to the actions necessary to complete the process.


Kenneth P. Battaile
Planning Administrator

Attachment: A. Memo from Russ Nebon to Kenn Battaile, May 22, 1992



Marion County

OREGON

BOARD OF COMMISSIONERS

RECEIVED

(503) 588-5212

June 30, 1992

**BOARD OF
COMMISSIONERS**

Randall Franke
Gary Heer
Mary Pearmine

**ADMINISTRATIVE
OFFICER**

Ken Roudybush

Mayor and Council
City of Keizer
P.O. Box 21000
Keizer, OR 97307-1000

Dear Mayor and Council:

We have been advised of your action on June 15, 1992 with regard to our proposed changes to the Keizer Comprehensive Plan Periodic Review Order. We are sorry we were not informed that the memo regarding the Comprehensive Plan was on your agenda. We would have been more than happy to answer questions and discuss the issue before your meeting. This letter provides further explanation of our concerns in the hope that the city and county can reach concurrence.

Issue #1: We were pleased that Keizer agreed to include both the regional and the specific policies relating to residential densities. However, one of the reasons cited by the City of Keizer for separating the regional policies from local policy was to clarify concurrence requirements. Since Salem considered this an urban area policy we assumed that Keizer would also. The regional policies indicate that these policies can be revised with the concurrence of those jurisdictions within the urban area - in this case Keizer and Marion County.

The response from the Keizer Community Development Director surprised us by implying that the specific residential density policy was a "local" policy and that the county would need to appeal to LUBA, if we disagreed with any change adopted by Keizer.

Both urban areas are within a single urban growth boundary. In fairness to both cities, and recognizing that implementation of this policy affects property owners and voters both in and outside the Keizer urban area, any policy revisions must be contingent on the concurrence of the city and county officials elected to represent these affected constituencies.

Issue #2: As a result of the Project 90 effort in 1981 to identify and protect large industrial sites the Epping property on the east side of North River road

was placed in a campus light industrial designation. The following policy was added to the Salem/Keizer Comprehensive Plan:

"Divisions of parcels of 20 acres or more, designated for industrial use, into smaller parcels shall be discouraged".

This was a regional policy that applied in both the Salem and Keizer urban areas. The City of Salem subsequently began emphasizing medium scale industry and partitioned some industrial land into parcels of less than 20 acres. As part of Periodic Review the City of Salem and Marion County agreed to modify the policy to provide greater review of divisions of 40+ acre industrial sites and provide for county concurrence in any proposal to divide three particular sites. The county was aware of only one 40+ acre industrial site in the Keizer urban area outside of the Willow Lake Treatment Plant Influence Area. This is the Epping site that we suggest be protected with a similar policy. If the Salem Area policy wording is adapted to Keizer it would read as follows:

"The division of the industrially designated parcel of 40 acres or more, located on the east side of North River Rd. at the Nottingham Dr. intersection, shall be subject to a special review and approval process. This parcel may be divided after a public hearings process and recommendation by the Keizer Planning Commission and final concurrence by the City of Keizer and Marion County as the final decision. The purpose of this provision is to maintain one site in the Keizer urban area suitable for large labor intensive industry."

The June 18 memorandum from the Keizer Community Development Director suggests that Keizer, like Salem, is focusing on non-labor intensive or small scale labor intensive industries that need smaller sites. Please note that the proposed policy does not rule out creation of some smaller sites, but the county will not look favorably on proposals to expand the urban growth boundary to include a 40 acre or larger parcel after a suitable site has been fragmented.

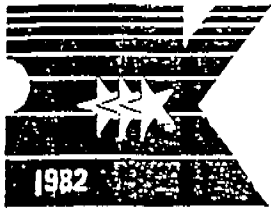
Before the Keizer Council takes further formal action on Periodic Review we invite the Mayor and Council to meet to discuss these two issues. We will be happy to host the meeting if you will advise us of a convenient date and time.

Sincerely,



Mary Pearmine,
Chair

c: Planning



City of Keizer — Community Development

Phone: 390-3700 • Fax # 390-8295

930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

June 18, 1992

Russ Nebon, Chief Planner
Marion County Planning Division
220 High Street NE
Salem, OR 97301

Dear Russ:

RE: Periodic Review of the Keizer Comprehensive Plan

At its meeting of June 15, 1992, the Keizer City Council directed staff to prepare the adoptive ordinance for Keizer's periodic review order. The Council specifically did not include the two recommendations from Marion County for the following reasons:

There already is a regional policy on residential density. It speaks to the City's responsibility to assure "...effective utilization of land..." guided by "...residential density objectives...." Keizer's proposed local policy on residential density calls for an average density of 6.5 dwelling units per gross acre.

The Council is committed to this policy and finds no reason why the Board of Commissioners should have veto power over any future adjustment. The County will have ample opportunity to participate in any future discussion of a potential change and would be in excellent position to challenge a move to lower the standard.

Throughout this periodic review process, Keizer has been fighting to increase its capability to determine its own future and manage its own affairs. The Council clearly recognizes Keizer's Urban Growth Boundary is unlikely to be expanded in the foreseeable future and effective utilization of the land is paramount to the community. Keizer does not need the County to share in its management of the land within its borders.

The Council also rejected the industrial lands policy. There is only one parcel in Keizer, Keizer Industrial Park, affected by this proposal. The City is keenly interested in seeing this property develop, and does not want to inhibit it by not allowing land divisions necessary to meet market demands.

Russ Nebon

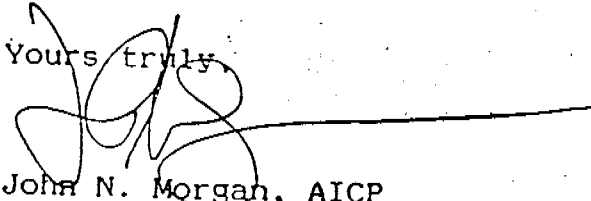
June 18, 1992

The Campus Light Industrial plan designation anticipates warehousing, assembly, and other light industrial uses that generally do not require 40 or more acres. While certain heavier industries do, there apparently are several locations within Salem that could meet this potential demand. Keizer's comprehensive plan does not anticipate meeting this type of need.

I request that you bring this matter back to the Board of Commissioners for concurrence with the periodic review order as drafted. If you, or any Commissioner, wish to address the Council on this matter, I invite you to do so at the Council's meetings of July 6th or July 20th.

If you have any questions, please contact me at your convenience.

Yours truly,


John N. Morgan, AICP
Community Development Director

cc: City Council
Don Otterman, City Manager
Shannon Johnson, City Attorney
Kenn Battaille, Planning Administrator, City of Salem
Dave Perry, Acting Planning Director, Polk County
Bob Rindy, Department of Land Conservation and Development

M E M O R A N D U M

TO: John Morgan, Director of Community Development
City of Keizer

FROM: *Roger Budke*
Roger Budke, Assistant Planning Administrator
City of Salem

DATE: September 18, 1992

SUBJECT: Industrial Lands Policy

This is to confirm our phone conversation today regarding a proposed policy within the Keizer Comprehensive Plan that regulates the division of vacant industrial parcels containing 40 or more acres.

Based on staff review, the City of Salem's position on this issue with respect to the Keizer Comprehensive Plan is as follows:

Keizer's only industrial parcel over 40 acres, the 60 acre vacant industrial parcel located on North River Road, lacks the attributes necessary to warrant a concurrence process between the City of Keizer and Marion County regarding a land division. Our observation is that access to the subject property poses a substantial limitation on attracting industries requiring large sites.

Consequently, the City of Salem recommends a policy that corresponds with one that is being included in the revised Salem Area Comprehensive Plan. Salem's policy requires verification that there is an industrial user for the parcel that results from the land division. In addition, based on standards already contained in the Salem zoning code, only 30 percent of the original industrial parcel may be divided into parcels less than 20 acres in size. We suggest comparable standards for the Keizer Comprehensive Plan policy.

We recommend that Keizer revise its proposed policy as follows:

The division of industrial designated parcels of 40 or more acres shall be subject to a special review and approval process. The proposed industrial use must be verified by the applicant. The parcels may be divided after a public hearing process and recommendation by the Hearings Officer and a final public hearing and approval by the City Council. Notice will be given to all urban area governments. Parcels will only be divided so that there is at least one lot remaining of 20 or more acres no more than 30 percent of the original parcel is divided into parcels of less than 20 acres.

We hope this will help you conclude your deliberations on this matter.

cc: Russ Nebon, Marion County
Gary A. Eide, City Manager
Richard A. Hayden, Acting Director of Community Development
Kenn Battaille, Planning Administrator



City of Keizer — Community Development

Phone: 390-3700 • Fax # 390-8295

930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

CITY COUNCIL MEETING: July 20, 1992

AGENDA ITEM NUMBER: 8c

TO: MAYOR AND CITY COUNCIL

THROUGH: DONALD H. OTTERMAN M.S.P.A. *DO*
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR *JN*

SUBJECT: STATUS REPORT - PERIODIC REVIEW OF THE
CITY OF KEIZER COMPREHENSIVE PLAN

BACKGROUND:

The City Council opened its public hearing on the periodic review of the Keizer Comprehensive Plan on May 4, 1992. The hearing was held over until June 15, 1992. Following close of the hearing that night, the Council directed staff to prepare an ordinance adopting the periodic review.

Marion County submitted testimony asking for changes in two policies. First, they asked that the residential density policy be designated a sub-regional policy thereby subject to revision only with the approval of the County. Second, they asked that an industrial lands policy be adopted requiring that when industrial parcels over 40 acres are divided, there are as many 40 acres parcels as possible resulting from the division.

The Council rejected these two proposals. A copy of a letter to the County explaining the Council's position is attached.

CURRENT STATUS:

The County responded to the letter with a letter explaining their position. A copy is attached. In that letter Commissioner Pearmine suggests that the Council and Board of Commissioners meet to resolve these differences. Staff would be pleased to arrange this meeting if the Council so desires.

Keizer has adopted the Salem Local Review Order. However, negotiations between Marion County and Salem on several points will probably result in changes to that document. If so, Keizer will need to hold another public hearing and adopt the revisions. A copy of a Salem staff report on this point is attached.

RECOMMENDATION:

It is recommended Council:

1. Direct staff to set up a meeting with the Marion County Board of Commissioners to discuss the County's proposed changes; and
2. Select the members of the Council that will participate in this meeting.



City of Keizer — Community Development

Phone: 390-3700 • Fax # 390-8295

930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

November 20, 1992

Mr. Bob Rindy, Field Representative
Department of Land Conservation and Development
1175 Court Street, NE
Salem, OR 97310

Dear Bob:

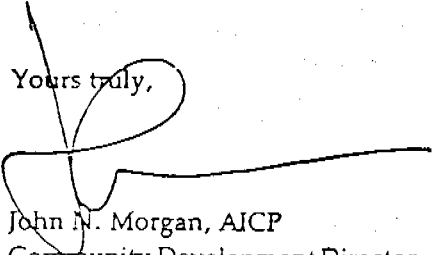
The City of Keizer has set December 7, 1992 as the date the Keizer City Council will finalize and adopt the Keizer Periodic Review Order. This will allow it to be submitted prior to the DLCD's December 18, 1992 meeting.

There is one final policy issue the City is proposing to include in its Order at the insistence of Marion County. This deals with industrial land divisions. Salem, and Marion and Polk Counties, must accept this inclusion in order to fully concur with the Order. By our intergovernmental agreement, concurrence of all parties is necessary before Keizer can adopt the Order.

We have been informed by Salem that, due to their internal procedures, the Salem City Council will not be able to consider and reach concurrence on the Order until December 28, 1992. I am asking Ken Battaile to expedite his process so the Salem Council can deal with it before December 7, 1992. But, assuming his time line holds fast, Keizer will not be able to adopt the Order until January 19, 1993.

If you have any comments or concerns, please contact me at your convenience.

Yours truly,


John N. Morgan, AICP
Community Development Director

cc: Kenn Battaile, City of Salem
Russ Nebon, Marion County
Dave Perry, Polk County
✓ Shannon Johnson, Legal Counsel



**CITY
OF SALEM,
OREGON**
City Hall / 555 Liberty St. S.E.
Zip Code 97301

July 27, 1992

CITY MANAGER'S OFFICE
Telephone (503) 588-6255

RECEIVED

JUL 28 AM 10 25

Andy Orcutt, Mayor
City of Keizer
P. O. Box 2100
Keizer, OR 97307-1000

RE: Salem Area Comprehensive Plan Periodic Review

Dear Andy:

It is time to complete the Periodic Review of the Salem Area Comprehensive Plan. No doubt you agree. The review process started in 1988, and as a practical matter completion is over due. The State agrees the process should end and has set September 30, 1992 as the completion date. Salem hopes you will join with us in meeting that date.

The completion process is straight forward enough. The present proposal (enclosed) consists of the July 1991 Final Order and the eight policy revisions on Attachment A. The proposed revisions in Attachment A have been drafted as a mutually agreed to response to issues raised by Marion County since July 1991.

Keizer has adopted everything enclosed with the exception of the eighth policy in Attachment A. This proposal deals with industrial land divisions exclusively in the Salem Urban Area. However, under the current rules, we need Keizer's approval.

To our knowledge it appears that two main steps remain for Keizer to complete the process:

1. Conduct the appropriate public hearing process regarding Industrial Policy 12.
2. Amend your adopting Ordinance of February 1992 to include Industrial Policy 12.

Based on your support to date, we anticipate your concurrence in the proposal. We are all interested in moving ahead and having more flexibility in the process.

Under the existing Plan amendment procedures, Salem needs to receive a copy of your concurring ordinance by September 1 if we are to complete the periodic review process by September 30. Please set September 1 as your completion target. Should you have questions please contact Kenn Battaile or Roger Budke at 588-6173.

Very truly yours,

Gary A. Eide, City Manager

Enclosure

cc: R. G. Andersen-Wyckoff, Mayor
Kenneth P. Battaile, Planning Administrator
Roger J. Budke, Assistant Planning Administrator
John Morgan, Keizer Community Development Director



1982-1983

ATTACHMENT A

ERRATA SALEM AREA COMPREHENSIVE PLAN PERIODIC REVIEW JULY, 1991

GENERAL DEVELOPMENT POLICY 17. (page 1-40, Volume 1 and page 30, Volume 2)

Single family dwellings and other low density uses appropriate for the applicable land use designations shall be permitted on septic tanks subject to standards that assure adequate opportunities for future development at urban densities. For unincorporated areas the standards shall be mutually concurred in by the City and relevant County. The standards shall incorporate the following:

- a. For each parcel there shall not be more than one dwelling unit or other low intensity use, excluding commercial and industrial on a septic system. Septic systems shall be limited in application to residential use, serving a maximum of one dwelling unit per parcel.
- b. The property served shall be no less than 300 feet from a serviceable public sewer.
- c. The property served shall not be within a sewer service district.
- d. The property owner shall agree to annex to Salem when the property is contiguous.
- e. The owner shall agree not to remonstrate against any future water and sewer assessments.
- f. An effective date shall be set to identify the lots of record which are exempt from the standards.
- g. The average parcel size for land divisions after the effective date shall be 5 acres.
- h. Septic tank approval shall be contingent upon a plan showing development of the property to urban densities, with appropriate reservations for future rights of way, access points, and easements. The plan for parcels of five acres or larger shall be a pre-plat, for small parcels this may be accomplished by a site plan.
- i. Verification of septic suitability shall be made by the County Sanitarian.

URBAN GROWTH MANAGEMENT POLICY 11. (page 1-46, Volume 1 and page 34, Volume 2)

Where development creates a demand for new or expanded facilities and services, a share of the costs of new or expanded facilities and services should be borne by the new development itself.

RESIDENTIAL DEVELOPMENT POLICY 1. (Page 1-47, Volume 1 and page 35, Volume 2)

In establishing housing density for residential areas the following shall be considered:

- a. The capacity of land resources, public facilities and services.
- b. The public and private costs of providing necessary urban facilities and services.
- c. The character of existing neighborhoods.
- d. The need to accommodate increasing population within the Salem urban growth boundary.
- e. Achieving the density goal of new residential development in General Development Policy 7.

RESIDENTIAL DEVELOPMENT POLICY 12. (page 1-49, Volume 1 and page 36, Volume 2)

Requests for rezonings to higher intensity residential uses to meet the identified housing needs will be deemed appropriate if adequate public utilities, facilities and services can be made reasonably available to the site and the site's physical conditions and location support the higher density.

- a. The division of industrially designated parcels of 40 acres or more which were included in the urban growth boundary in 1982 or were unincorporated at that time shall be subject to a special review and approval process. The parcels may be divided after a public hearings process and recommendation by the Salem Planning Commission and final concurrence by the City of Salem and Marion County as the final decision. The purpose of this provision is to maintain two or more sites suitable for large labor intensive industries. [The subject parcels are generally located: 1) at the SE corner of Boone Road and 36th Avenue, 2) between Gaffin Road and Culver Drive, and 3) between Kale Road and Hazelgreen Road.]
- b. The division of other industrial designated parcels of 40 acres or more planned shall be the subject of a public hearing and decision making process before the Salem Planning Commission provided: 1) the proposed industrial use is verified by the applicant, and 2) Marion County is afforded an opportunity to review and comment, as an interested party, on the proposed division prior to the initial land use decision.

May 27, 1992

Resolved.D12



City of Keizer — Community Development

Phone: 390-3700 • Fax # 390-8295
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

CITY COUNCIL MEETING: Dec. 7, 1992

AGENDA ITEM NUMBER: 8a

TO: MAYOR AND CITY COUNCIL

FROM: JOHN N. MORGAN
INTERIM CITY MANAGER *JN*

SUBJECT: UPDATE ON PERIODIC REVIEW

DISCUSSION:

Staff had originally planned on scheduling a hearing before the Council tonight on the final draft of the Keizer Periodic Review Order. However, the hearing and consideration is being delayed until January 19, 1993. The reasons will be explained below.

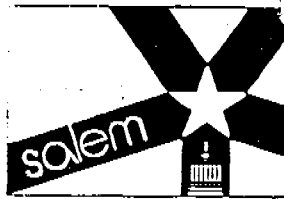
The last item to resolve is the division of industrial lands issue. Negotiations by the staff with Marion County and Salem have led to a draft policy that should be acceptable to the other jurisdictions. The Department of Land Conservation and Development staff has indicated to Salem that adoption of a similar policy in the Salem Periodic Review Order may not be acceptable to the state agency. This could result in at least the industrial policies being referred back to each jurisdiction for further consideration.

Salem has decided that the Salem Planning Commission must review Keizer's proposed industrial lands division policy before the Salem Council can concur in the total order. The Commission's next meeting is December 15 with the next Salem Council meeting on December 28. Therefore, the next Keizer Council meeting where the issue can be heard will be January 19. It is being scheduled for that night.

Larry Epping is circulating a plan for a Comprehensive Plan amendment to his industrial property that creates a "twist" on the current policy direction under consideration. He will be officially presenting to Salem and Marion County, and then finally to the Keizer City Council, a proposal to not adopt the industrial policy, and instead to redesignate his property to the Mixed Use plan designation. At this time, Staff does not have a solid reading on how the other jurisdictions, or the DLCD staff, will respond to the proposal.

RECOMMENDATION:

For information only.



CITY
OF SALEM,
OREGON

City Hall / 555 Liberty St. S.E.
Zip Code 97301-3503

PLANNING DIVISION
Room 305
Telephone (503) 588-6173
FAX (503) 588-6005

RECEIVED

January 6, 1993

John Morgan, Director
Community Development
Keizer City Hall
P. O. Box 21000
Keizer, OR 97307-1000

RE: Keizer Comprehensive Plan Industrial Policy

Dear John:

On Monday, January 4, 1993, the Salem City Council concurred in the proposed Keizer Comprehensive Plan Policy regarding the conservation of large vacant industrial parcels. More specifically, the Salem City Council approved the recommendation in the December 21, 1992 staff report, enclosed.

Please contact me if you have questions.

Sincerely yours,

Roger J. Budke
Assistant Planning Administrator

Enclosure

TO: MAYOR AND CITY COUNCIL
THROUGH: GARY A. EIDE, CITY MANAGER *J. Wacker*
FROM: RICHARD A. HAYDEN, ACTING DIRECTOR *R. Hayden*
COMMUNITY DEVELOPMENT
SUBJECT: KEIZER COMPREHENSIVE PLAN - INDUSTRIAL POLICY

ISSUE:

Does the City of Salem concur with the proposed change in the Keizer Comprehensive Plan regarding the conservation of large industrial parcels?

RECOMMENDATION:

That the City of Salem concurs in the following revision proposed by the City of Keizer to the Keizer Comprehensive Plan:

The division of industrial designated parcels of 40 or more acres shall be subject to a special review and approval process. The proposed industrial use must be verified by the applicant. The parcels may be divided after a public hearing process and recommendation by the Hearings Officer and a final public hearing and approval by the City Council. Notice will be given to all urban area governments. Parcels will only be divided so that no more than 30 percent of the original parcel is divided into parcels of less than 20 acres.

POLICY DECISIONS

The proposal is consistent with revised Salem Area Comprehensive Plan policies contained in Ordinance 68-92. The Salem City Council adopted this ordinance on October 12, 1992, completing revisions to industrial policies in the Comprehensive Plan and Periodic Review.

Under the existing adoption process, periodic review of the Keizer Comprehensive Plan must be completed as a condition of completing periodic review on the Salem Area Comprehensive Plan.

BACKGROUND

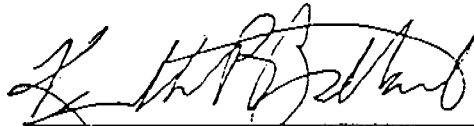
Marion County raised the issue of conserving large (40 acres or more), vacant industrial parcels during Periodic Review. After approximately 10 months of discussion Salem and Marion County resolved the issue and Salem, Keizer, Marion County and Polk concurred in two new policies in Salem Area Comprehensive Plan regarding this matter.

Marion County raised the same issue during the Periodic Review of the Keizer Comprehensive Plan. When Keizer asked Salem about an appropriate policy to resolve the issue, Salem staff responded with input determined to be consistent with Salem's position on the matter (See Attachments 1 and 2 of Attachment A).

Keizer has one large parcel of vacant industrial land. The owner has expressed an interest in designating this property for another type of land use. The Salem staff reported to City Council on August 24, 1992, that expanding the consideration of industrial land beyond the issues raised by Marion County would entail a significant scope of work. Staff indicated that any expanded consideration of industrial land should include the involvement of SEDCORP and a reevaluation of the Project 90 assumptions.

FACTS AND FINDINGS

1. Until the approval of Periodic Review by the State, new policies in the Keizer Comprehensive Plan require concurrence by the City of Salem.
2. The City of Keizer has requested the City of Salem to concur in a proposed industrial policy for the Keizer Comprehensive Plan (Attachment 3 of Attachment A).
3. Keizer's policy proposal is consistent with policies contained in the Salem Area Comprehensive Plan.
4. The Salem Planning Commission reviewed the proposal on December 8, 1992 and recommended the City Council's concurrence (Attachment A).



Kenneth P. Battaille
Planning Administrator

ATTACHMENT: A. Keizer Comprehensive Plan, Salem Planning Commission Staff Report, December 8, 1992

TO: PLANNING COMMISSION, CITY OF SALEM
FROM: *Kenneth P. Battaille*
KENNETH P. BATTAILE
PLANNING ADMINISTRATOR
SUBJECT: KEIZER COMPREHENSIVE PLAN

ISSUE

Does the City of Salem concur with the proposed modification to the Keizer Comprehensive Plan regarding conservation of large industrial parcels?

BACKGROUND

At its May 5, 1992 meeting the Planning Commission considered the Final Local Review Order for the Keizer Comprehensive Plan and recommended concurrence to the Salem City Council. The Council adopted that recommendation. The Salem City Council also took the position that after periodic review any re-evaluation of the suitability of parcels in the industrial land inventory and of the need for large parcels should be community wide and involve groups such as the Chamber of Commerce and SEDCOR.

Since that time Marion County has raised the issue of conservation of parcels of 40 acres or larger in the industrial land inventory with Keizer. Keizer has one large industrial parcel which is about 70 acres. Salem has seven parcels over 40 acres and unincorporated Marion County has two.

At Marion County's initiation, Salem worked with the County on revised Salem Area Comprehensive Plan policies regarding this industrial parcel size issue for about year. The issue was resolved with two new policies to guide the division of large industrial parcels. These policies are incorporated in the Final Local Review Order for the Salem Area Comprehensive Plan.

Keizer staff approached Salem staff on September 14, 1992 (Attachment 1) regarding a recommended policy on this issue for the Keizer Comprehensive Plan. Salem staff responded with a recommended policy that directly equates to the policies of the Salem Area Comprehensive Plan and the implementing Industrial Business Campus (IBC) zoning (Attachment 2).

FACTS AND FINDINGS

1. Until the approval of periodic review by the State, new policies in the Keizer Comprehensive Plan require concurrence by the City of Salem.
2. The City of Keizer has requested the City of Salem to concur in a proposed industrial policy for the Keizer Comprehensive Plan (Attachment 3).
3. Keizer's policy proposal is consistent with policies contained in the Salem Area Comprehensive Plan.
4. It is the Salem City Council's position to reserve consideration of other issues on the industrial land inventory until the completion of periodic review.

RECOMMENDATION

That the City Council concur with the following revision to the Keizer Comprehensive Plan Final Local Review Order:

The division of industrial designated parcels of 40 or more acres shall be subject to a special review and approval process. The proposed industrial use must be verified by the applicant. The parcels may be divided after a public hearing process and recommendation by the Hearings Officer and a final public hearing and approval by the City Council. Notice will be given to all urban area governments. Parcels will only be divided so that no more than 30 percent of the original parcel is divided into parcels of less than 20 acres.

Attachments:

1. Memo from John Morgan to Kenn Battaile, Industrial Policy, September 14, 1992.
2. Memo from Roger Budke to John Morgan, Industrial Lands Policy, September 18, 1992.
3. Memo from John Morgan to Kenn Battaile, Concurrence in Keizer's Periodic Review Order, November 6, 1992.

Prepared by: Roger Budke

ACTION OF THE SALEM PLANNING COMMISSION ON DECEMBER 8, 1992

APPROVED RECOMMENDATION UNANIMOUSLY



City of Keizer — Community Development

Phone: 390-3700 • Fax # 390-8295

930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

CITY COUNCIL MEETING: January 19, 1993

AGENDA ITEM NUMBER: 5a

TO: MAYOR AND CITY COUNCIL

FROM: JOHN N. MORGAN
INTERIM CITY MANAGER

SUBJECT: PUBLIC HEARING - PERIODIC REVIEW ORDER - KEIZER
COMPREHENSIVE PLAN

BACKGROUND:

The City Council held a public hearing on the total Periodic Review Order of the Keizer Comprehensive Plan on May 4, 1992. The order was not adopted, however, as the other three urban area jurisdictions had not concurred. Their concurrence is necessary before final adoption. The Council has discussed and generally concurred in the language of the order and it can be considered ready for adoption.

INDUSTRIAL LAND POLICY AMENDMENT:

Since last May, work has concentrated on a final amendment concerning industrial land divisions. This was initiated by Marion County as a condition of their concurrence in both the Salem and Keizer periodic review orders. Numerous meetings have been held where this issue has been discussed including Council meetings, meetings between the Council and the Board of Commissioners, and meetings on the staff level.

The County's position can be summarized as follows:

- There are numerous industrial properties in the Salem/Keizer Urban Area that are over 40 acres in size.
- These sites are generally well suited for large labor-intensive industry, which is important to the area's economy.

- Many of these properties were specifically included in the Urban Growth Boundary in the early 1980's to provide an inventory of large industrial parcels to better attract this type of industry to the area.
- If these large industrial parcels are divided, the inventory of properties to serve as sites for large labor intensive industries will be diminished. This could lead to pressure to expand the Urban Growth Boundary to accommodate a new industry proposing to locate in the urban area. Such an expansion would in all likelihood involve taking farmland out of production, a potential strongly opposed by the County.
- In order to avoid an unnecessary or premature taking of farmland, an inventory of large industrial sites needs to be maintained.
- Large vacant areas were added within the boundary in 1980 to provide large industrial sites. All impacted jurisdictions, including Marion County and LCDC, went along with the loss of farmland recognizing an immediate need to create economic development and employment opportunities.
- Dividing the industrial properties is contrary to the reason they were brought into the Boundary.

The County insisted Keizer and Salem adopt policies prohibiting division of any industrial parcel of more than 40 acres into lots of less than 40 acres. Salem adopted such a policy.

In Keizer's case, there is only one industrial property larger than 40 acres: Larry Epping's Keizer Industrial Park on north River Road. The Council and Staff have argued with Marion County that it is unfair to place such a strict policy on the only such property within the City, and that the best use of the property in serving the needs of Keizer may not involve a large labor intensive industry.

The Board of Commissioners indicated they could support a less strict policy but the industrial lands policy for Keizer should in all fairness be the same as in Salem. Staff approached Salem staff on the issue and found they were not willing to support a different policy for Keizer than the one adopted in Salem. However, they were willing to support Keizer adopting policy language comparable to language Salem has concerning industrial properties not considered part of the "labor-intensive" industrial lands.

Therefore, at this final hearing on the Periodic Review Order, the only unfinished item of business is consideration of a proposed industrial lands policy. The proposed policy is:

The division of industrial designated parcels of 40 or more acres shall be subject to a special review and approval process. The proposed industrial use must be verified by the applicant. The parcels may be divided after a public hearing process and recommendations by the hearings Officer and a final public hearing and approval by the City Council. Notice will be given to all urban area governments. Parcels will

only be divided so that no more than 30 percent of the original parcel is divided into parcels of less than 20 acres.

This policy will mean the 67 acre Keizer Industrial Park can be divided so there are two 20 acre parcels with the remaining 27 acres divided into several smaller parcels.

LARRY EPPING'S PROPOSAL:

Mr. Epping has taken a position in opposition to the proposed policy, not only because it is counter to his interests in having the greatest deal of flexibility in marketing the property, but also because he believes the most appropriate use of the property is not for industrial development. He will be making his case at the public hearing.

Mr. Epping will also be asking the Council to not adopt the Periodic Review Order at this time, and instead initiate an amendment to the order changing his property from Industrial to Mixed Use on the Comprehensive Plan Land Use Map. If the Council takes this action, the matter must be referred back to Salem and Marion and Polk Counties for consideration and concurrence.

Staff has reviewed Mr. Epping's research and arguments for changing the land use map and finds them certainly worthy of consideration. However, given the long history of the Periodic Review process, the Land Conservation and Development Commission's growing impatience with the City for not finalizing the document, and the anxiousness of all urban area governments to be done with this process, Staff recommends the Periodic Review Order be adopted as proposed, and without any prejudice to Mr. Epping's proposed plans. Mr. Epping should be encouraged to file an application for an amendment to the Comprehensive Plan to be dealt with through the normal process later this spring.

ACTIONS OF OTHER JURISDICTIONS:

Both Salem and Marion County have concurred with Keizer's Periodic Review Order including the industrial lands policy amendment.

Polk County has yet to act, which results in a delay to the process. According to Dave Perry, the Community Development Director, he hopes the Board of Commissioners will act before the end of the month. Until Polk County concurs, Keizer can not adopt the Order.

RECOMMENDATION:

It is recommended Council:

1. Conduct the hearing, and then leave the hearing open until February 1, 1993 for the purpose of allowing Polk County time to concur in the Order; and
2. Direct Staff to prepare an ordinance adopting the Periodic Review Order and return it to Council on February 1, 1993 for deliberation and adoption.

January 21, 1993

DEPARTMENT OF
LAND
CONSERVATION
AND
DEVELOPMENT

John Morgan, Director
City of Keizer Planning Department
PO Box 21000
Keizer, OR 97307-1000

RECEIVED

'93 JAN 22 AM 9 09

Dear John:

CITY OF KEIZER
JAN 21 1993
It is my understanding that the city has approved a rezoning proposal that would once again delay final adoption of the city's periodic review. We urge the city to reconsider this action. The Salem and Keizer periodic reviews have been in progress since January, 1988. Five times LCDC has formally granted schedule extensions. Most of these were due to "new issues" arising just in time to derail adoption by one or more of the four jurisdictions involved in this effort.

EXHIBIT "A-149"

The 1991 legislature substantially revised the periodic review program, but allowed jurisdictions that were in-progress to complete periodic review under the original statutory requirements. This department has worked diligently over the past two years to complete periodic review for the few jurisdictions remaining under the "old" statutory process. Almost all of these are now behind us, and legislation is proposed which would eliminate the old process altogether.

The Salem and Marion County portions of the periodic review have been in our office since November. We are anxious to proceed with the review, but we cannot start until the Keizer portion is included. We urge you to reconsider this rezoning under the process for "post-acknowledgment plan amendments", rather than the periodic review process.

We also believe the rezoning of this property requires a demonstration that (1) there are sufficient large lot industrial sites in the UGB, (2) there are not sufficient residential sites available, and (3) if 1 and 2 are true, that this particular site is the best alternative under the criterion of Goal 14.

As we have discussed on several occasions, LCDC is reluctant to grant further periodic review extensions. Since the proposed rezoning could be considered outside periodic review, it is not clear why this action

Barbara Roberts
Governor



1175 Court Street NE
Salem, OR 97310-0590
(503) 373-0050
FAX (503) 362-6705



City of Keizer — Community Development

CITY COUNCIL MEETING: February 1, 1993

Phone: 390-3700 • Fax: 390-8295

930 Commercial Rd. N.E. • PO Box 21000 • Keizer, Oregon 97307-1000

AGENDA ITEM NUMBER:

AGENDA ITEM NUMBER: 8g

TO: MAYOR AND CITY COUNCIL

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: UPDATE ON PERIODIC REVIEW

EXHIBIT "A-150"

DISCUSSION:

At its meeting of January 19, City Council initiated an amendment to the Keizer Periodic Review Order. This amendment would change the land use map to designate the current Keizer Industrial Park property on north River Road from Campus Light Industrial to Mixed Use.

A formal request for concurrence was sent on Wednesday, January 20 to the City of Salem, Marion County, and Polk County. On Monday, January 25, Staff met with the planning directors of each jurisdiction plus Bob Rindy, Field Representative for the State of Oregon Department of Land Conservation and Development.

The general sense of the other jurisdictions and the DLCD staff is that periodic review must come to a close and Mr. Epping should file an independent application. A letter to that effect was received on Friday, January 22 from Mr. Rindy. Salem and Marion County staffs indicated they would be recommending to their respective decision making bodies that similar letters be sent to Keizer. Any written material from the other jurisdictions received Monday will be presented to Council Monday evening.

Staff continues to be concerned about this delay in adopting the Periodic Review Order. While, of course, Staff will advocate the Council position, there are ramifications that must be brought to the Council's attention.

As is indicated in Bob Rindy's letter, the Land Conservation and Development Commission intends to take this matter up at its meeting the end of this week. They essentially will be calling Keizer on the carpet for delaying this process when the matter causing the delay should be dealt with through an independent application working through the post-acknowledgment process. The Commission can take a variety of enforcement actions against the City including withholding of funds and imposing building moratoriums.

"Pride, Spirit and Volunteerism" _____

City Council
February 1, 1993

The Salem and Marion County staffs both expect their respective decision making bodies to reject the proposal as their own periodic review processes will also be delayed. No one is questioning the need to review Mr. Epping's proposal. They are objecting to doing so in this manner.

If Salem and Marion County do reject the amendment request, it will result in a significant delay for Mr. Epping as he will then have to revert to filing an independent application. Kenn Battaile of Salem has indicated it will be April before the Salem City Council finalizes consideration of the proposed amendment.

Staff reasserts its recommendation to the Council to adopt the Periodic Review Order.



City of Keizer — Community Development

Phone: 390-3700 • Fax # 393-9437

930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

CITY COUNCIL MEETING: June 7, 1993

AGENDA ITEM NUMBER:

EXHIBIT "A-151"

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK *Dotty Tryk*
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PREPARATION FOR LAND CONSERVATION AND DEVELOPMENT
COMMISSION HEARING ON THE PERIODIC REVIEW OF THE KEIZER
COMPREHENSIVE PLAN

SUMMARY

Keizer's Periodic Review Order updating the Keizer Comprehensive Plan goes before the Land Conservation and Development Commission for consideration on Thursday, June 10, 1993. A copy of the staff report is attached. While the report recommends approval of the majority of the order, it finds fault with three areas dealing with the Urban Growth Boundary, Industrial Lands policy, and policy relative to residential zone changes. Staff is recommending positions for the City to take on each of these points. These positions are discussed in some detail in the following sections but are summarized in the following points:

1. There is adequate language to indicate the UGB is regional in nature and can be amended only by mutual consent. There is no need to amend the plan to make Keizer party to Salem's "first out-first in" policy.
2. A regional economic development strategy will be developed to guide future land use decisions relative to industrial lands. In the interim land will be protected according to existing policy. The policy will be amended to include an exceptions provision for properties to be considered on a case by case basis for land-use actions.
3. The zoning ordinance will be amended to create more clear and objective standards to guide rezoning to allow needed housing.

4. An extension for compliance until December 1993 is necessary in order to carry out the work, and to be in coordination with Salem.

DISCUSSION

In 1987 the City of Keizer adopted the Keizer Comprehensive Plan. It was acknowledged as being in compliance with the state planning goals and guidelines later that year. Every five years all jurisdictions are required to perform a "periodic review" of their comprehensive plans to assure the documents are current and relevant given changes that have occurred in the community, and changes that may have occurred in other regulations impacting the Plan. Keizer adopted its periodic review order in January of 1993.

With the formation of Keizer in 1982 the cities of Salem and Keizer have operated within a single urban growth boundary (UGB) and consequently are required to coordinate their land use decisions within the UGB with Marion and Polk Counties. In November 1992 the City of Salem submitted to the Land Conservation and Development Commission (LCDC) the Final Order for the comprehensive plan periodic review. The City of Keizer submitted its Final Order in February 1993. As of May 21, 1993, no objections from interested parties about the final orders have been received by the LCDC staff. Since the periodic review orders from Keizer and Salem are coordinated, they are being treated as one during the state review and approval process.

The LCDC staff has recommended that the joint Periodic Review Order, comprehensive plans and related ordinances be amended by the Salem/Keizer UGB jurisdictions to comply with Statewide Goal 2 (Land Use Planning), 9 (Economic Development), 10 (Housing), and in Salem's case but not Keizer, 14 (Urbanization). The specifics of the amendments are related to the urban growth boundary, industrial lands, and needed housing. In all other respects DLCD accepts the Periodic Review Final Order.

FACTS AND FINDINGS

The LCDC staff report provides the basis for the LCDC to consider "segmented" approval of the periodic review at its June 10, 1993 meeting. Under the segmented approach the accepted portions are approved and the remaining issues are scheduled for refinement and compliance by the local jurisdictions. A copy of the entire LCDC report on the final order is attached.

Keizer staff has met on two occasions with the planning staffs of the other jurisdictions involved to coordinate a response to LCDC. The following reflects the LCDC staff's recommendations to the Commission and commentary by city staff regarding the impact of these comments on the Keizer, and the Salem/Keizer urban area. Quotes from the LCDC staff report are in italics.

1. *In order to comply with the Periodic Review Factor One and Goals 2 and 14, the Cities of Salem and Keizer, Marion and Polk County must:*

Comment: The Regional Policy relative to LCDC Staff recommendations 1a, 1b, 1c, and 1d reads as follows:

G. URBAN GROWTH BOUNDARY

1. The cities of Salem and Keizer and Counties of Marion and Polk have adopted by legal description the Salem/Keizer urban growth boundary for the Salem and Keizer urban areas and shall review the Salem/Keizer urban growth boundary on a periodic basis or upon the request of one of the jurisdictions to identify if changes are necessary.
 2. All parties shall work toward the development of the most efficient and economical method for providing specific urban services to the area within the Salem/Keizer urban growth boundary.
 3. Changes to the Salem/Keizer urban growth boundary shall be based upon consideration of the following factors. This consideration does not include comparison of the proposed change with the lands within the Salem/Keizer urban growth boundary.
 - a. Demonstrated need to accommodate long-range urban population growth requirements consistent with State land use goals.
 - b. Need for housing, employment opportunities and livability.
 - c. Orderly and economic provision for public facilities and services.
 - d. Environmental, energy, economic and social consequences.
 - e. Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority.
 - f. Compatibility of the proposed urban uses with nearby agricultural activities.
 - g. Other criteria as required by the State Land Use Goals and Administrative rules.
- a. *Amend Regional Policy G.1 to state that amendments to the Salem/Keizer urban growth boundary (UGB) must be adopted concurrently by all four affected jurisdictions.*

Comment: Staff believes that this issue has been dealt with in the following statement from the adopted plan:

C. PROCEDURES FOR AMENDMENT

1. Regional Planning Actions Procedures

- a. Regional planning actions may be initiated by any one of the four jurisdictions (Cities of Salem and Keizer and Counties of Marion and Polk), but must be concurred by all of the other jurisdictions as set forth below before they are considered effective amendments to the Plan.

Comment: Staff suggests that the intent is clear and the above statement is adequate to address concurrent adoption by the four jurisdictions. If the statement is not adequate, then the structure of the statement can be changed.

- b. *Amend Regional Policy G.3 to delete the following sentence: "This consideration does not include comparison of the proposed change with lands within the Salem/Keizer urban growth boundary."*

Comment: The intent of the direction was for a change in the UGB to be a separate consideration by Salem and Keizer of the use of land within their individual UGBs. The intent was for Keizer to be able to deal with the UGB change without having to give consideration to the "first out-first in" regional UGB policy which reads:

"If the Urban Growth Boundary for the Salem Urban Area is expanded to include additional land for residential development, first priority shall be given to lands that have been removed from the 1982 boundary."

This policy relates to land removed from the Salem UGB several years ago. By policy, this land must be given first consideration for inclusion in the UGB when such expansion is justified. Policy B, above, exempts Keizer from this "first out-first in" commitment, and allows Keizer UGB expansion proposal to be considered on their own merits. Keizer was not party to the agreement between Salem, the counties, and the individual land owners, and does not feel any need to be bound by such a commitment. Therefore, Staff recommends this point be argued before the Commission.

- c. *Amend Regional Policy G to state that amendments to the Salem/Keizer UGB must be based on projections of land needs and the supply of buildable land within the whole urbanizable area.*

Comment: This DLCD recommendation is an amplification of the issue in item b.

- d. *Amend Regional Policy G.3 to include all of the seven factors of Goal 14.*

Comment: The Goal 14 policy that is lacking reads: "Maximum efficiency of land uses within and on the fringe of the existing urban area". This issues is tied to items b and c

and reflecting Goal 14 criteria in any change of the UGB. This criteria will need to be included in the regional policy.

2. *In order to comply with Periodic Review Factor Two and Goals 2 and OAR 660-09-000 "Industrial and Commercial Development", the Cities of Salem and Keizer, Marion and Polk County must:*

Comment: The comprehensive plan policy about which DLCD is concerned reads as follows:

2. The division of industrial designated parcels of 40 or more acres shall be subject to a special review and approval process. the proposed industrial use must be verified by the applicant. The parcels may be divided after a public hearing process and recommendation by the Hearings Officer and a final public hearing and approval by the City Council. Notice will be given to all urban area governments. Parcels will only be divided so that no more than 30 percent of the original parcel is divided into parcels of less than 20 acres.

- a. *Adopt policies and implementing measures which regulate divisions of large industrial sites (i.e., 20, 40, and 80 acres) so that large sites provided under the recommendations of Project 90 remain available for their intended use.*
- b. *Adopt measures which prevent the rezoning of large industrial sites in the UGB. Alternatively, jurisdictions may assure simultaneous replacement of rezoned large industrial sites, using surplus lands in other uses already in the UGB.*

Comment: DLCD finds that the foundation of the industrial portions of the comprehensive plan is the "Project 90" Report. However, DLCD says that the comprehensive plan and implementing ordinances do not reflect the "Project 90" criteria. There are two apparent alternatives to deal with the issue. In the near term, additional policy could be crafted regarding preventing the conversion of industrial land to other uses, except through an exception process. In the longer term, the entire industrial land needs of Salem and the surrounding area should be reassessed to determine the basis for modifying the "Project 90" position on land inventory issues. This two step approach works for the "big picture" of a new economic development strategy for the region. However, it is intended to include an "exceptions" process for individual properties where there are clear reasons to remove them from the industrial lands inventory. Such a property is the Epping property on River Road.

3. *To comply with Periodic Review Factors One and Two, Goal 10, OAR 660-08-015, 020, and 025, and ORS 197.307, the Cities of Salem and Keizer, and Marion County and Polk County must:*
 - a. *Adopt clear and objective approval processes and standards for upzoning lands to meet 20-year housing needs. Alternatively, the jurisdictions may have*

sufficient land to meet these needs in advance, and provide clear and objective review process for needed housing types.

Comment: This recommendation is related to the policy of Keizer to not legislatively predesignate multiple and high density housing. The objective of the LCDC is to provide a clear and objective set of standards to which both the developer may meet housing goals without an indiscriminate appeal and the current resident may have a better idea of what may happen in the vacant nearby lot without a constant reaction to the unknown. Some crafting of the comprehensive plan and the implementing codes will be necessary to better state these directions.

LCDC PUBLIC HEARING

The public hearing for the periodic review is scheduled for June 10, 1993 at the Lands Board Room in the State Lands Building beginning at 9:00 a.m. An exact time for the Periodic Review has not been set, but should be prior to 12:00 p.m. Staff is asking Council for authorization to represent the City in the hearing presenting the general views and arguments outlined in this report.

The general direction to be presented at the hearing can be summarized as follows:

1. There is adequate language to indicate the UGB is regional in nature and can be amended only by mutual consent. There is no need to amend the plan to make Keizer party to Salem's "first out-first in" policy.
2. A regional economic development strategy will be developed to guide future land use decisions relative to industrial lands. In the interim land will be protected according to existing policy. The policy will be amended to include an exceptions provision for properties to be considered on a case by case basis for land-use actions.
3. The zoning ordinance will be amended to create more clear and objective standards to guide rezoning to allow needed housing.
4. An extension for compliance until December 1993 is necessary in order to carry out the work, and to be in coordination with Salem.

RECOMMENDATION:

It is recommended Council:

1. Concur in the directions discussed above for responding to the LCDC staff report; and
2. Authorize staff to represent the City and present these positions to the LCDC on June 10, 1993.



City of Keizer — *Community Development*

Phone: 390-3700 • Fax # 393-9437

930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

June 10, 1993

EXHIBIT "A-152"

Land Conservation and Development Commission
1175 Court Street NE
Salem, OR 97310

RE: Periodic Review for the Salem/Keizer Urban Area

Dear Chair Blosser and Commissioners:

I am pleased to offer testimony to you concerning the Keizer Periodic Review Order on behalf of and with the unanimous endorsement of the City Council of the City of Keizer.

My testimony is in close concert with that submitted by the City of Salem as well as Marion and Polk Counties. We represent one urban area and have worked together to prepare these comments and to plan for our joint work over the next few months to finalize this periodic review process.

I will not repeat the detail of Salem Mayor R.C. Andersen-Wyckoff's written comments on the issues relative to the Urban Growth Boundary and criteria for residential zone changes. I will offer some discussion, but I ask you to consider Mayor Andersen-Wyckoff's detailed statements to also be those of the City of Keizer. Keizer does differ from Salem in its response to the industrial lands issues and that testimony will be the bulk of this presentation.

Issue One - Urban Growth Boundary

The DLCD report contends there are inadequate standards to evaluate proposed UGB amendments and lack of clarity on the requirement for concurrence by all four jurisdictions. In response, the Urban Growth Boundary is regulated by the mutually adopted Regional Policies. There are clear requirements that any amendment relative to a Regional Policy requires concurrence by all jurisdictions. While we agree with Salem that there is no issue here, and that any elaboration would be redundant, we will also agree with Salem to consider amendments.

It is very important to note that Keizer clearly understands and has willingly adopted the notion that the UGB is a regional boundary established and modified only through analysis of regional needs. The criteria embodied in Goal 14 for amendments to the Urban Growth Boundary are adopted within the Regional Policies without regard to "allocation" or "needs" specific to either Keizer or Salem. It is one boundary surrounding one urban area with one economy and definition of need.

This position has the practical result that Keizer will stop growing when the urbanizable land is consumed, which will be within four to six years given the current trends. Further expansion of Keizer will probably not occur until significant consumption of vacant residential land in South and West Salem has occurred, which will probably be quite a few years. These points are very important to the discussion of industrial land below.

Issue Two - Criteria for Residential Redesignations

We concur with the DLCD report on the need to craft more specific language to guide residential "up-zoning." While we believe the existing criteria are adequate, and have stood the test of many rezoning processes, we will review them.

Issue Three - Industrial Lands

The City of Keizer strongly objects to and disagrees with the DLCD recommendations relative to industrial lands.

The report recommends amending the industrial policies so that divisions of large industrial properties and redesignating such properties are prohibited activities. Keizer finds this proposal to be preposterous.

Let me offer a summary of how these issues impact Keizer and the history behind them:

- The City of Salem and Marion County undertook a regional economic planning process in 1980 called Project 90. This work was adopted in 1981. Project 90 found there was a need for a much larger inventory of industrially designated land. Land inside the UGB was redesignated to Industrial and land was added to the boundary and also designated Industrial. This action resulted in a total inventory of 2,135 acres. Of this, 500 acres was included above and beyond the Project 90 projected need in order to

provide a "market factor." All of this occurred before the City of Keizer was incorporated.

- One 67 acre residentially designated parcel in what was to become Keizer was redesignated to Industrial. It was and remains the only large industrially designated property within the City. This is called the Epping property.
- The Keizer Comprehensive Plan was adopted and acknowledged in 1987.
- The 67 acre Epping industrial property has been aggressively marketed but after 12 years remains vacant and with little prospect for development. The reasons for this are mentioned below, and are well presented in other documents to which I will refer.
- Over two years ago the City began considering the appropriateness of retaining the Industrial designation on this property. This was discussed at length in the City's visioning process in 1991 and during consideration of the periodic review order in 1992. It was decided by the City Council that the issues embodied in the Epping property should be dealt with outside Periodic Review so that the Periodic Review Order, which had been drafted and under review for almost two years, could finally reach closure.
- Earlier this year, after adoption of the Periodic Review Order, the Planning Commission initiated a legislative amendment of the Comprehensive Plan Land Use Map and the Zoning Map for the Clear Lake Neighborhood of Keizer. This included changing the Epping property to the City's Mixed Use Designation.
- The Planning Commission has held a hearing on the proposed amendment and has adopted an extensive body of testimony as facts substantiating the change. The Commission has recommended approval of the proposed change to the City Council.
- In reaching its decision, the Commission used the detailed criteria found in both the Comprehensive Plan and the Zoning Ordinance for Comprehensive Plan and Zoning amendments, criteria that were acknowledged by the LCDC in 1987 as being in compliance with the Goals, and thereby adequate for decision making. A copy of the criteria is attached to this letter.
- On the basis of the criteria, the Commission found that the Comprehensive Plan is in error and is in clear need of amendment. They found, based on substantial evidence, that there is no need to retain this parcel for industrial

purposes as there is ample land to meet that need elsewhere in the UCB, that the parcel is clearly unsuited for industrial use both due to its own characteristics and due to its relationship to surrounding land uses, and that there is a much greater public need to have the land develop as a cohesive, planned, mixed-use project that will probably provide as many permanent jobs as if the property were developed industrially. A copy of the adopted analysis and findings of fact is attached.

- The City Council will hear the issue on August 2, 1993.
- While the Planning Commission has formalized the acceptance of the facts surrounding the change, these facts have been well discussed within the Community over the last two years including by the Council. The Council has indicated its clear support for the proposed change because it is a rational, logical, and appropriate thing to do to best meet the short and long range needs of the City.

Keizer finds great fault with the analysis and recommendations in the DLCD report in the following ways:

- DLCD offers only two options for planning for industrial lands; do nothing, or move the designation somewhere else. They totally leave out the very heart of planning: the capability to rationally and objectively analyze a situation and to make well-considered decisions that may involve a change of land-use designation.
- The DLCD report takes Project 90 as an absolute and concrete foundation that cannot be subject to incremental re-evaluation and refinement. Reading Project 90 itself shows that its analysis of land need was based on a broad variety of gross assumptions. For example on page 86, the report indicates that a portion of the analysis was based on "...an arbitrary target of 1200 new manufacturing jobs per year..." On page 87 an assumption is made that industrial development will have 12 employees per acre. This is based on what the authors wanted for density, not on an analysis of what realistically could happen. On page 89 the number of "needed" acres is arbitrarily doubled to provide a "market factor." The point is that Project 90 was very inexact, and it would be inappropriate to hold it as gospel in considering individual land use actions or in binding the jurisdictions to blind adherence to its recommendations.
- The DLCD report states: "If the City of Keizer redesignates its large site, this would leave the city with no role in accommodating large industrial development in the region." In searching the Goals and the Administrative Rules,

we can find no requirement for Keizer to play a "role in accommodating large industrial development in the region." There is clearly a need for the region to define need and to designate to meet the need. That is not the issue. The issue is that nothing compels Keizer to play host to large scale industrial development. That need can be met anywhere within the boundary regardless of city limit lines. To contend that Keizer must have industrial land means that West Salem must have its proportionate fair share, as must South Salem. The only industrially designated property in Southwest Salem, an area of similar demographics and size to Keizer, is now the site of a manufactured housing subdivision and apartments thanks to a redesignation approximately four years ago. If DLCD's position is accepted, then land must be redesignated throughout the urban area so that all neighborhoods share the "role in accommodating large industrial development."

- At the start of this letter I discussed Keizer's willing acceptance of the notion that this is one urban area with one urban growth boundary and that any change of the UGB is subject to analysis on an urban area wide basis. Why is this notion, which is adamantly pushed by DLCD in the UGB issue, not just as relevant in an analysis of economic needs and land allocation? Clearly Keizer and Salem cannot stand separately when it comes to urban growth issues, but we are being told to stand separately when it comes to economic issues. This is a totally unacceptable proposition that clearly is not rooted in any Goal, or in rational urban planning practice.
- Project 90 has proven to be totally off the mark as a realistic economic strategy. Keizer believes there needs to be a new regional economic strategy that will ultimately result in a wholesale review of land allocations to meet economic needs. In conjunction with Salem and Marion and Polk Counties, Keizer will be an active participant in the development and implementation of this strategy.
- While Keizer will participate in developing a new economic strategy, Keizer refuses to create a de facto moratorium to development of the Epping property during the two to three years it will take to finalize the strategy. We know the Epping property is not needed for industrial development, that it will never develop industrially, that we do not want it to develop industrially, and that we need it for other types of land uses. There is no reason to wait.
- Keizer is in the process of considering a redesignation of the Epping property. We are using the adopted and acknowledged criteria for considering such changes. The Planning Commission found the criteria have been met.

Our partner jurisdictions and DLCD will have ample opportunity to participate in the process in upcoming hearings and to raise objections in that forum. The Council is eager to consider the change because, based on what they know, the change can create more needed land uses, more productive development, and more realistic economic and employment growth. There is no compelling local, regional, or statewide reason why the City's right to make such a well-considered decision should be taken away.

On behalf of the City Council, I ask you to accept our commitment to actively participate in development of a new regional economic strategy, but to not hinder the local planning process in the interim.

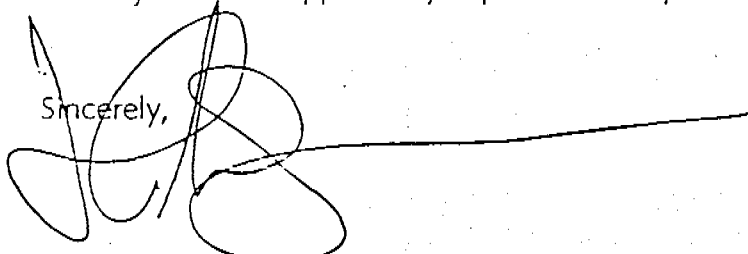
In summary, Keizer will:

1. Work with the other urban area jurisdictions to review the policies relative to the Urban Growth Boundary;
2. Review its standards and criteria for zoning residential property;
3. Participate in the development and implementation of a new regional economic strategy.

We ask the Commission to approve a segmented acknowledgment of the Keizer Periodic Review Order on all other points. We join with Salem in asking for an extension to the end of 1993 to resolve these pending issues.

Thank you for the opportunity to present these points.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Morgan', with a long horizontal line extending to the right.

John N. Morgan, AICP
Community Development Director

cc: City Council
City of Salem
Polk County
Marion County



City of Keizer

930 Chemawa Rd. N.E. • P.O. Box 21000
Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 393-9437

CITY COUNCIL MEETING: June 21, 1993

AGENDA ITEM NUMBER: 9a

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PERIODIC REVIEW UPDATE

City Council, on June 7, considered a staff report recommending a strategy for approaching the Land Conservation and Development Commission during its hearing on the proposed Keizer Periodic Review Order. The Council gave Staff strong direction on retaining local control relative to land use decisions on industrial property.

Staff presented the Council's position on Thursday, June 10, and prevailed through a 4 to 3 vote of the LCDC.

At this time the final LCDC order has not been received, but it will include a provision allowing Salem and Keizer to change up to 100 acres of large industrial properties to other uses before December 31, 1993. The December 31 date is the deadline for adopting revisions to the Comprehensive Plan ordered by the Commission relative to the urban growth boundary and housing issues.

The compliance order will also direct Keizer and Salem to engage in an update of Project 90, the 12 year old economic strategy for the urban area. Staff will return to Council with an assessment of this project and a work plan after discussions on coordinating this work with the other jurisdictions have been completed.

RECOMMENDATION:

For information only.

EXHIBIT "A-154"

Oregon

July 15, 1993

John Morgan
City of Keizer Planning Department
P.O. Box 21000
Keizer, Oregon 97307

DEPARTMENT OF
LAND
CONSERVATION
AND
DEVELOPMENT

Dear Mr. Morgan:

On June 10, 1993, the Land Conservation and Development Commission (LCDC) reviewed Salem and Keizer's periodic review for compliance with statutory requirements.

Enclosed are two LCDC orders resulting from that review. The first order (93-AFFIRM-889) finds that portions of the periodic review orders meet state requirements. These portions are affirmed, and are no longer subject to periodic review.

The second order (93-RA-890) specifies the required amendments to the county's plan and land use regulations that require additional work in order to meet periodic review requirements. These amendments must be completed by December 31, 1993. LCDC's amendments to the department's staff report are also enclosed.

Please contact our field representative, Bob Rindy, at 373-0067, if you have any questions regarding the enclosed orders, periodic review requirements or resubmittal procedures.

Sincerely,



Richard P. Benner
Director

RPB:BR/deb
<orders>

Enclosures

cc: Russ Nebon, Marion County
Art Schlack, Polk County
Bob Rindy, Field Representative
Jim Hinman, Lead Reviewer
DLCD PR Files (Ptld, Libr (2))

Barbara Roberts
Governor



1175 Court Street
Salem, OR 97317
(503) 373-0050
FAX (503) 373-0051

BEFORE THE
LAND CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF
PERIODIC REVIEW OF
THE SALEM AND KEIZER URBAN AREA)
)
)

ORDER AFFIRMING
PORTIONS OF THE LOCAL
PERIODIC REVIEW ORDER
93-AFFIRM-889

This matter came before the Commission on June 10, 1993 as a final periodic review order pursuant to ORS 197.644, Oregon Laws 1991, Chapter 612 Section 8(1), and OAR 660, Division 19. The Commission, having fully considered the Salem and Keizer periodic review order, comments and objections of interested parties, and the report of the Director of the Department of Land Conservation and Development, now enters its:

Findings of Fact

1. Portions of the Salem and Keizer's periodic review order, plan and land use regulations adequately address the periodic review factors for the reasons set forth in the Director's report amended and adopted by the Commission on June 10, 1993 and incorporated herein (Exhibit A).

Conclusions

1. The comprehensive plan, land use regulations and periodic review order of Salem and Keizer meets statutory and rule requirements for periodic review, except for those parts subject to requirements 1-3 of remand order 93-RA-890. The requirements and reasoning for this conclusion are outlined in the Director's report which is incorporated herein by reference (Exhibit A).

REQUIRED AMENDMENTS
REMAND ORDER
93-RA-890

Findings of Fact

Requirements:

1. In order to comply with Periodic Review Factor One and Goals 2 and 14, the Cities of Salem and Keizer, Marion County and Polk County must:
 - a. Amend Regional Policy G.1 to state that amendments to the Salem/Keizer urban growth boundary (UGB) must be adopted concurrently by all four affected jurisdictions.
 - b. Amend Regional Policy G.3 to delete the following sentence: "This consideration does not include comparison of the proposed change with lands within the Salem/Keizer urban growth boundary."
 - c. Amend Regional Policy G to state that amendments to the Salem/Keizer UGB must be based on projections of land needs and the supply of buildable land within the whole urbanizable area.

Salem/Keizer RA Order

Page 2

July 15, 1993

- d. Amend Regional Policy G.3 to include all of the seven factors of Goal 14.
2. In order to comply with Periodic Review Factor Two, Goal 2 and OAR 660-09-000 "Industrial and Commercial Development" the Cities of Salem and Keizer, and Marion County and Polk County must:
 - a. Adopt policies and implementing measures which regulate divisions of large industrial sites (i.e., 20, 40 and 80 acres) so that large sites provided under the recommendations of Project 90 remain available for their intended use.
 - b. Adopt measures which prevent the rezoning of large industrial sites in the UGB. Alternatively, jurisdictions may assure simultaneous replacement of rezoned large industrial sites, using surplus lands in other uses already in the UGB.
 - c. The jurisdictions may reevaluate the need and supply of industrial land in the regional UGB, consistent with the requirements of the statewide goals and address a and b, above, based on that analysis. In the interim, up to 100 acres of large industrial sites may be redesignated.
3. To comply with Periodic Review Factors One and Two, Goal 10, OAR 660-08-015, 020, and 025, and ORS 197.307, the Cities of Salem and Keizer, and Marion County and Polk County must:
 - a. Adopt clear and objective approval processes and standards for upzoning lands to meet 20-year housing needs. Alternatively, the jurisdictions may upzone sufficient land to meet these needs in advance, and provide clear and objective review process for needed housing types.The City of Salem must:
 - b. Provide a schedule for applying specific plan designations to land needed for 20-year housing needs in the developing residential area, including resolution of public facility uncertainties that prevent application of specific zone districts.

2. Based on the Director's report, the Commission finds that the additional work required to meet periodic review requirements can be completed by December 31, 1993.

Salem/Keizer RA Order

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July 15, 1993

Conclusion

Based on the foregoing findings and the Director's report, the Commission concludes that the comprehensive plan, land use regulations and periodic review order of the Salem and Keizer Urban Area require amendments as described in this order to meet statutory and rule requirements for periodic review.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. Salem and Keizer must complete work on the comprehensive plan, land use regulations and periodic review order to meet statutory and rule requirements for periodic review as stated in the Director's report and adopted by the Commission.

2. The planning work required by the order must be resubmitted to the Director pursuant to OAR 660-19-075 to OAR 660-19-090 at the Department of Land Conservation and Development office, Salem, no later than December 31, 1993.

DATED THIS 15TH DAY OF JULY 1993.

FOR THE COMMISSION:


Richard P. Benner, Director
Department of Land
Conservation and Development

NOTE: You are entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review within 60 days from the service of this final order. Judicial review is pursuant to the provisions of ORS 183.482 and 197.650.

Copies of all exhibits are available for review at the Department's office in Salem.

RPB:BR/deb
<orders>

DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
PERIODIC REVIEW

Salem and Keizer Urban Area

FINAL ORDERS RECEIVED:
February 24, 1993COMMISSION REVIEW:
June 10, 1993

I. ACTION OF THE DIRECTOR

Referral of the Salem/Keizer final periodic review submittal to the Land Conservation and Development Commission.

Recommended Action:

Require the jurisdictions in the Salem/Keizer urban area to amend their Periodic Review Order, comprehensive plan and related ordinances in order to comply with Statewide Goals 2, 9, 10, and 14, as specified in this report.

Sustain portions of the Salem/Keizer periodic review orders as in compliance with the periodic review factors as specified in this report.

DLCD FIELD REPRESENTATIVE:
Bob Rindy, 373-0067DLCD REVIEWERS:
Jim Hinman, 373-0088
Bill Adams, 373-8009
Bob Rindy, 373-0067LOCAL GOVERNMENT CONTACTS:
Kenn Battaille, City of Salem, 588-6173
John Morgan, City of Keizer, 390-3700
Russ Nebon, Marion County, 588-5038
Art Schlack, Polk County, 623-9237

DATE OF REPORT: May 21, 1993

Salem/Keizer

Page 2

May 21, 1993

II. BACKGROUND

The Salem/Keizer urban area plans are administered by the Cities of Keizer and Salem and by Polk and Marion Counties. The planning area is within a single urban growth boundary (UGB). In 1990, the population of Salem was 108,200 and the population of Keizer was 21,950.

The City of Keizer was incorporated in 1982, subsequent to the initial 1982 acknowledgment of the Salem area plan by LCDC. At the time of Salem's acknowledgment, the Keizer urban area was unincorporated land inside the Salem urban growth boundary. The City of Keizer's comprehensive plan and land use ordinances were adopted in January, 1987. LCDC did not review nor acknowledge this document; it was "deemed acknowledged" through CRS 197.625, i.e., as an unchallenged post acknowledgment amendment to the Salem area plan.

The Salem/Keizer urbanizable area has remained a single urban growth boundary (UGB) with two separate comprehensive plans. The four jurisdictions have adopted an intergovernmental agreement in order to coordinate land use decisions within the boundary. The coordination program includes certain "regional policies" which are adopted by all four jurisdictions.

<u>Chronology</u>	<u>Salem</u>	<u>Keizer</u>
Acknowledgment	5/20/82	1/19/87
Periodic Review Notice Sent	1/15/88	1/15/88
Proposed Order Submitted	11/15/88	1/5/89
DLCD Comments Mailed	2/10/89	7/19/89
Final Order Submitted	11/4/92	2/24/93

Proposed orders and proposed amendments to the plan were submitted to the department on November 15, 1988 and May 5, 1989. The department's comments on these proposed orders were mailed on February 10, 1989 and July 19, 1989.

The Cities of Salem and Keizer chose to remain under the "old" periodic review process contained in OAR 660--Division 19.

Upon receiving final periodic review orders from both cities, the department found the cities' periodic review submittals to be complete on February 24, 1993. The department notified interested parties about receipt of these orders. No objections were received.

Salem/Keizer

Page 3

May 21, 1993

III. FINDINGS

The Cities of Salem and Keizer and Marion and Polk Counties, each held a final periodic review hearing and adopted a final "periodic review order" addressing the state's requirements and the four Periodic Review Factors under OAR 660-19-055. The final local periodic review orders are considered to include all land use documents referenced by the jurisdictions' adopted findings.

The director's report contains the findings of the department about whether the submittal complies with Statewide Goals, rules and statutes. This report is divided into two sections:

- Section A consists of the issues referred to LCDC for resolution. These issues concern portions of the submittal which are found not in compliance with the requirements of periodic review, statewide goals, rules, and statutes.
- Section B refers to the remaining portions of the local periodic review orders which satisfy all statutory and rule requirements of periodic review.

SECTION A. REFERRAL ISSUES

Urban Growth Boundary

Goal 2 requires the comprehensive plans of neighboring cities and counties to be "consistent" and "coordinated." CRS 197.190 requires that counties coordinate comprehensive planning within each county to "assure an integrated comprehensive plan for the entire area." In addition, LCDC's housing rule, OAR 660-08-030, requires regional coordination to assure "that needed housing is provided for on a regional basis through coordinated comprehensive plans."

Salem and Keizer comprise one of the largest metropolitan areas in the state. In the decade from 1980 to 1990, the populations of Marion and Polk Counties increased by 11% and 10%, respectively. The City of Salem's population increased by 21% during the same period. Because of its size and robust population growth, it is particularly important that decisions on where and how growth will occur be coordinated among the affected jurisdictions.

Salem/Keizer

Page 4

May 21, 1993

The comprehensive plans for the Cities of Salem and Keizer are bounded by a regional urban growth boundary (UGB) which was jointly adopted by the City of Salem, City of Keizer, Marion County and Polk County. Although Salem and Keizer are separate political jurisdictions, they share a common housing, employment and business market area. Many people live in one city while working or shopping in the other. In addition, the two cities share major public facilities such as a regional sewage treatment plant, a bus system and arterial streets.

Prior to periodic review, the comprehensive plans of the two cities contained policies requiring concurrent (joint) adoption of major plan map amendments. During periodic review, the comprehensive plans of Salem and Keizer were amended to delete this requirement. A new mechanism for regional coordination was adopted. The new mechanism specifies that "regional policies" must be adopted concurrently by all four jurisdictions and "urban area policies" must be adopted by the two cities. However, there is no longer a concurrency requirement for plan map amendments.

The following regional policy on UGB amendments has been adopted by the four jurisdictions:

"C. Urban Growth Boundary

1. The Cities of Salem and Keizer and counties of Marion and Polk have adopted by legal description the Salem/Keizer urban growth boundary for the Salem and Keizer urban areas and shall review the Salem/Keizer urban growth boundary on a periodic basis or upon request of one of the jurisdictions to identify if changes are necessary. . .
3. Changes to the Salem/Keizer urban growth boundary shall be based upon consideration of the following factors. This consideration does not include comparison of the proposed change with lands within the Salem/Keizer urban growth boundary.
 - a. Demonstrated need to accommodate long-range urban population growth requirements consistent with State Land Use Goals.
 - b. Need for housing, employment opportunities and livability.
 - c. Orderly and economic provision for public facilities and services.
 - d. Environmental, energy, economic and social consequences.
 - e. Retention of agricultural land, as defined with Class I being the highest priority for . . . and the lowest priority.

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- f. Compatibility of the proposed urban uses with nearby agricultural activities.
- g. Other criteria as required by the State Land Use Goals and administrative rules.

Policy G.1, above implies that amendments to the UGB require concurrent adoption by all four jurisdictions. However, this is not explicitly stated. To clarify this point, Policy G needs to be amended to clearly state that UGB amendments require concurrent adoption by all four jurisdictions.

Policy G.3, above states that for an UGB amendment, no consideration will be given to lands already within the UGB. This statement directly conflicts with Goal 14. To determine the need for additional land within an UGB, one must determine whether an adequate supply of vacant land is available within the existing UGB. The second sentence in paragraph 3 violates this fundamental principle and must be deleted.

As described above, the Salem/Keizer UGB is based on regional land needs for residential, commercial, and industrial land and open space. This UGB was not acknowledged as two separate but adjacent UGB's. This distinction is important. LUBA has upheld the proposition that "any UGB expansion must be justified by the need to accommodate population growth within the entire UGB." (Baker vs. Marion County, LUBA No. 92-174.) The implication of this opinion as applied to the Salem/Keizer UGB is that the UGB can be amended only if there is insufficient land in both the Salem and Keizer urbanizable area to meet the projected need.

Because the UGB is regional, Policy G.3 needs to include a clear statement that findings to justify any future UGB amendments must address the entire UGB rather than only the Keizer or Salem portions of the boundary. This requires coordinated projections for population, housing and employment as well as coordinated inventories of developable land.

Regional Policy G.3 lists six of the seven "factors" from Goal 14 for amending a UGB. Factor (4) "Maximum efficiency of land uses within and on the fringe of the existing urban area" has been omitted. Factor (4) must be addressed as part of any UGB amendment and must be included in Policy G.3.

Conclusion:

For the reasons stated above, Regional Policy G "Urban Growth Boundary" does not comply with Goals 2 and 14.

In order to comply with Periodic Review Factor One and Goals 2 and 14, the Cities of Salem and Keizer, Marion County and Polk County must:

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- a. Amend Regional Policy G.1 to state that amendments to the Salem/Keizer urban growth boundary (UGB) must be adopted concurrently by all four affected jurisdictions.
- b. Amend Regional Policy G.3 to delete the following sentence:
"This consideration does not include comparison of the proposed change with lands within the Salem/Keizer urban growth boundary."
- c. Amend Regional Policy G to state that amendments to the Salem/Keizer UGB must be based on projections of land needs and the supply of buildable land within the entire Salem and Keizer urban areas.
- d. Amend Regional Policy G.3 to include all of the seven factors of Goal 14.

(NOTE: SUBMIT; THIS IS A 200-15500)

Industrial Lands

The Salem and Keizer area Urban Growth Boundary (UGB) was initially adopted in 1974, and was expanded in 1981 in response to concerns about a shortage of suitable and available industrial sites. The 1981 "Project 90" study found that much of the city's industrial land was fragmented, in "numerous scattered parcels" less than 10 acres in size. The Project 90 report indicated new industrial sites were needed in the 20 to 40 and 80 to 200 acre range "to ensure a competitive market in industrial lands".

The city's 1982 findings in support of LCDC acknowledgment (called the "Conformance Report" findings) explained that almost 3,000 acres of additional industrial land was added to the UGB so that the inventory would contain parcels, in single ownership, in the range of 20 to 59 acres, 60 to 119 acres, and 120 acres and above. The large industrial parcels added to the UGB were intended to remain undivided and available for industries needing larger sites.

The 1982 Conformance Document also noted that the city's industrial land was:

"currently contained in zones that . . . allow the fragmentation of large parcels and the development of residences and other uses that could hamper future industrial development. In order to correct this problem, the city and Counties commit themselves to work together and develop those techniques . . . which will ensure that industrially designated lands, in large parcels within the UGB, will be held in sizes appropriate for use by a variety of industries. These techniques should be ready for adoption by City Council and Board of Commissioners by December, 1982" (Page 33).

The City of Salem did adopt an amended industrial zone for Campus

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rezoning of the large industrial parcels rezoned or added to the UGB under Project 90. Keizer also adopted industrial policies and zoning in 1987. Since acknowledgment, some of the Project 90 sites have been divided, some have been developed with industrial use, and some have been rezoned to permit commercial or other types of development.

During periodic review, the City of Salem conducted a survey of industrial lands (Order, Pages 3-1 and Pages 10-1 and ff.). This determined that some industrial property has been rezoned to permit other uses such as commercial. The survey does not evaluate land division activity on the larger industrial sites in the UGB, but it is clear that a significant supply of large sites, provided under Project 90, still remains in the boundary.

During periodic review, the jurisdictions modified the plan policies for industrial use. A policy discouraging division of any industrial parcels currently over 20 acres ("Economic Development Policy 3") was modified to discourage their division below 20 acres. (Order, Page 1-55)

Therefore, the parcels ranging from "20, 40, and 70 acres or greater", described in the plan's intent statements as necessary "for the type of industries Salem wishes to attract", could ultimately be divided into numerous 20 acre pieces. In addition, there are no measures in effect to implement this policy, i.e., to "discourage" division of industrial parcels below 20 acres. The word "discourage" renders this a non-mandatory policy.

The Industrial Development Policies section of the plan was amended at periodic review in response to a concern about the issue of large industrial sites. Different regional policies were adopted by Salem and Keizer on this issue. For Salem, the amended policies state:

"(a) The division of Industrially designated parcels of 40 acres or more which were included in the urban growth boundary in 1982 or were unincorporated at that time shall be subject to a special review and approval process. The parcels may be divided after a public hearing process and recommendation by the Salem Planning Commission and final concurrence by the City of Salem and Marion County as the final decision. The purpose of this provision is to maintain two or more sites suitable for large labor intensive industries (the subject parcels are generally located: (1) at the SE corner of Boone Road and 36th Avenue, (2) between Gaffin Road and Culver Drive, and (3) between Kale Road and Hazelgreen Road)"

"(b) The division of other industrial designated parcels of 40 acres or more planned shall be the subject of a public hearing and decision making process before the Salem Planning Commission provided: 1) the proposed industrial use is verified by the applicant and 2) Marion County is

1000' Planning on 16 Zones
 15.1.2000 to 16.1.2000

1000' Planning on 16 Zones
 15.1.2000 to 16.1.2000
 1000' Planning on 16 Zones
 15.1.2000 to 16.1.2000

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afforded an opportunity to review and comment, as an interested party, on the proposed division prior to the initial land use decision."

These policies do not provide protection for these sites. First, policy (a) simply requires a public hearing and concurrence by Marion County. There are no criteria provided to direct that the parcels be preserved. The stated purpose, to maintain two or more sites suitable for large labor intensive industries, is not stated in Project 90 or elsewhere in the plan. It appears only here in the plan, i.e., there is no justification provided regarding a decision to only preserve two large sites, rather than preserve the larger inventory provided in 1982.

The Department believes that simply requiring county concurrence when industrial land divisions are requested is not sufficient to conserve a variety of parcel sizes for use by industry.

For Keizer the regional policy is worded differently:

"2. The division of industrial designated parcels of 40 or more acres shall be subject to a special review and approval process. The proposed industrial use must be verified by the applicant. The parcels may be divided after a public hearing process and recommendation by the Hearings Officer and a final public hearing and approval by the City Council. Notice will be given to all urban area governments. Parcels will only be divided so that no more than 30 percent of the original parcel is divided into parcels of less than 20 acres."

This policy apparently applies to only one approximately 67 acre industrial parcel currently inside the Keizer urban area. The policy does not prevent the city from redesigning this property to other uses. The owner of the parcel has recently indicated the intent to ask the city to redesignate this property for residential use.

Conclusion

It is recommended that the policies and implementing ordinances in the Salem and Keizer plans be revised to prevent the division or redesignation of the large industrial parcels that were designated in 1992 to assure opportunity for a new industries seeking large sites.

We recognize that some division of these sites may be needed to accommodate new industries, as those industries commit to locating in the Salem/Keizer area. However, the current policy and implementing ordinances for the City of Salem are not worded so that protection of these large sites is mandatory.

Redesignation of large industrial parcels is not addressed by the policies in these plans. There are at least two pending requests

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to redesignate Project 90 sites for other uses, and we should anticipate additional requests in the future. If the City of Keizer redesignates its large site, this would leave the city with no role in accommodating large industrial development in the region. The jurisdictions have no policies to assure replacement of lost sites.

Since the boundary is to contain a 20-year supply of lands for industrial use, it is anticipated that some sites may not develop for many years. The fact that no activity has occurred since 1982 is not an indication that these sites are no longer needed. Nevertheless, owners of large industrial sites may not realize or accept the notion that their site is in the UGB in order to provide for a need that may be many years away. Therefore, continual rezoning pressure should be anticipated, and the plan needs a mechanism to deal with this. Otherwise, the supply of available industrial land will not remain sufficient.

The Salem/Keizer UGB is estimated to contain an approximately 35 year supply of residential land. The UGB should not be expanded while there remains such a large surplus of residential land, but this becomes a real possibility if suitable industrial sites are lost to other types of uses.

Past rezoning activity and the pending proposals to change two more of the Project 90 sites indicate a pressing need for the jurisdictions to reaffirm their commitment to maintain a supply of suitable and available industrial sites in the UGB. That should be done by either (1) providing stronger resistance to the conversion of these sites, in the plan and zoning ordinance, or (2) providing an alternative process to simultaneously replace these sites, using other lands currently in the boundary.

The four jurisdictions also need to provide a coordinated agreement about their share of industrial development in the region. Keizer may not unilaterally choose to defer provision of their share of the region's industrial employment.

In order to comply with Periodic Review Factor Two, Goal 2 and OAR 660-09-000 "Industrial and Commercial Development" the Cities of Salem and Keizer, and Marion County and Polk Counties must:

- a. Adopt policies and implementing measures which regulate divisions of large industrial sites (i.e., 20, 40 and 80 acres) so that large sites provided under the recommendations of Project 90 remain available for their intended use.
- b. Adopt measures which prevent the rezoning of large industrial sites in the UGB. Alternatively, jurisdictions may assure simultaneous replacement of rezoned large industrial sites, using surplus lands in other uses already in the UGB.

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Needed Housing

All urban jurisdictions are required to provide a 20 year supply of buildable land for "needed housing" within the UGB. Salem and Keizer have planned and zoned the current developed area (CDA) of the city with an adequate supply of buildable land for the next 12 years. The remaining areas of the UGB are planned and zoned "developing residential" in Salem, and zoned "Urban Transition" in Keizer (planning designations in the Keizer UT areas are specific). These areas are intended to ultimately provide the remaining supply of needed housing types, but have not yet been zoned to allow the needed housing.

The Commission's Goal 10 Rule (OAR 660, Section 8) requires that "specific plan designations" be applied to "all buildable land. However, jurisdictions may defer specific designations provided the following conditions are met.

First, the plan must demonstrate that the reason for this deferral is due to uncertainties about the location, funding, and timing of public facilities (OAR 660-08-020(2)(a) and (b)). The "Intent" chapter of the Salem plan provides this demonstration (see also pp. 11-9 through 11-11 of the Final Order). The Keizer plan does not defer specific plan designations.

Second, OAR 660-08-020(2)(c) requires that plans include "a time specific strategy for resolution of identified public facilities uncertainties and a policy commitment to assign specific residential plan designations when identified public facilities uncertainties are resolved". The Salem plan does not provide a time specific strategy for assigning specific plan designations.

Since specific zoning is not applied in Salem's developing residential and Keizer's urban transitional area, the plans must rely on upzoning in order to provide for needed housing types over the 20 year time frame. The Goal 10 Rule indicates that deferred "rezoning of land within an urban growth boundary to maximum planned residential density" is permitted provided standards and procedures governing the process for future rezoning are clear and objective. The department has reviewed the jurisdictions' plan and ordinance provisions related to rezoning, and finds that the approval standards, conditions and procedures are not clear and objective.

Salem Urban Area

The Salem Periodic Review Order states that "... the applicant must demonstrate that the conditions and character of the neighborhood has changed to warrant a higher intensity residential use, as well as review the proposal's impact on public facilities and services" (Order, Page 11-3).

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Policy 12 (Rezoning Policy) on page 1-49 of the Salem Order contains vague statements such as "physical conditions and location warrant." These phrases are not clear and objective. Regional residential development policy 1 (Page 1-47) also establishes vague criteria involving "Character of existing neighborhoods" and "need."

In addition to these policies, there are other policies in the Salem plan that may apply to upzoning or to other development decisions, including land divisions. Salem zoning code Section 114.160 requires "an applicable goal or policy" to be a criteria for certain development decisions. Policies and goals throughout the plan contain vague and discretionary wording.

Policy 8 (page 1-45 of the Salem Order) and Policy 1 (listed on page 1-47 of the Order) contain vague and subjective language. Terms and phrases such as "will not adversely affect" or "are compatible with," or "the character of existing neighborhoods" are not clear and objective.

Policies 3, 8, 9, and 12 (listed on pages 1-47 and 1-48 of the Salem Order) also contain vague and subjective language if used as approval criteria. Terms such as "convenient," "due consideration," and "warrant" are not clear and objective.

Goal E "Residential Development" is not clear and objective. The term "quality living environment" is particularly vague, and could be used to block virtually any housing development if used as a review criterion.

Keizer Urban Area

The Keizer urban area includes land planned for single family and multifamily, but zoned urban transition (UT). The UT zoned areas may be upzoned to permit the uses shown on the plan, guided by Section 4 of the Zoning Ordinance. Zone Change criteria in 4.16 require review against the "description and policies" of the applicable classification, development requirements of Chapters 17 and 20, and the "purpose" section of the zone. These sections are not clear and objective, for reasons similar to those described above for the Salem plan.

Section 4.18 also requires that zone changes may be "conditioned," without limit, if necessary to "serve a public purpose such as mitigating the negative impacts on adjacent properties."

Conclusion:

The Salem and Keizer Area Periodic Review Orders do not meet Factors One and Two, and the plans do not comply with Goal 10, OAR 660-08-015, 020, and 025, and ORS 197.307.

The Salem area plan defers specific zone designations due to public facility uncertainties, but has not provided a reason.

They have not met Goal 10, OAR 660-08-015, 020, and 025, and ORS 197.307.

E.S.

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for resolving these uncertainties and providing specific zone categories, as required by OAR 660, Section 8. (It is possible that the decision to defer specific designations in the developing residential area was made prior to completion of the Public Facilities Plan, and more specific zoning decisions may now be possible).

The Salem and Keizer plan rely on upzoning to meet needs in the developing residential and urban transition areas. However, upzoning standards are not clear and objective. The jurisdictions must either provide for a clear and objective upzoning process, or upzone applicable areas legislatively prior to termination of periodic review.

Salem policies which are not clear and objective may also be applicable to development decisions for all types of housing. To which decisions they apply should be clearly stated in the plan and ordinances (see Stotter v. City of Eugene, 18 Or LUBA 135(1989), and Murphy v. City of Ashland, 19 Or LUBA 182(1990)).

DON'T THEY STATE EARLIER THAT THEY ARE SURE
OF ADDITIONAL LAND?

In order to comply with Periodic Review Factors One and Two, Goal 10, OAR 660-08-015, 020, and 025, and ORS 197.307, the Cities of Salem and Keizer, and Marion County and Polk County must:

- a. Adopt clear and objective approval processes and standards for upzoning lands to meet 20-year housing needs. Alternatively, the jurisdictions may upzone sufficient land to meet these needs in advance, and provide clear and objective review process for needed housing types.

The City of Salem must:

- b. Provide a schedule for applying specific plan designations to land needed for 20-year housing needs in the developing residential area, including resolution of public facility uncertainties that prevent application of specific zone districts.

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SECTION B. CONSISTENCY WITH PERIODIC REVIEW REQUIREMENTS

Except for the issues discussed in Section A, the Salem and Keizer Area periodic review orders meet state requirements. The following findings outline the requirements of periodic review, and the findings from the local periodic review orders concerning these requirements.

FACTOR ONESUBSTANTIAL CHANGE IN CIRCUMSTANCES
(OAR 660-19-055(2)(a))

Substantial change in circumstances are defined in OAR 660-19-055(2)(a) and (3)(a) through (d) as follows:

- A. Major developments or events which have occurred that the acknowledged plan did not assume or anticipate or major developments or events which have not occurred that the acknowledged plan did assume or anticipate;
- B. Cumulative effects, resulting from amendments to and implementation of the acknowledged plan's factual base, map designations, and policies;
- C. Either an oversight or a decision by the local government to delay or not carry out plan policies which implement a statewide goal requirement;
- D. New inventory material, which affects a statewide goal issue, made available to the jurisdiction after acknowledgment; or,
- E. Consistency of the plan and land use regulations with new or amended statutes.

In addition to the five subfactors listed above, OAR 660-19-055(4) requires consideration of:

- F. "Other issues or objections involving the 'substantial change in circumstances' factor..."

Response

The City of Salem considered the substantial changes in circumstances which have occurred since acknowledgment (final order, pages 1-1 through 9-1) and amended its plan and regulations addressing those changes.

The City of Keizer considered the substantial changes in circumstances which have occurred since acknowledgment (final order, pages 1-1 through 1-38) and amended its plan and regulations addressing those changes.

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CONCLUSION-FACTOR ONE

Based on the findings in the City of Salem's periodic review order, the city satisfies the requirements of Factor One, except for the policy on urban growth boundaries, as described in Section A, above.

Based on the findings in the City of Keizer's periodic review order, the city satisfies the requirements of Factor One, except for the policy on urban growth boundaries, as described in Section A, above.

FACTOR TWO

NEW OR AMENDED GOALS OR RULES
ADOPTED SINCE THE DATE OF ACKNOWLEDGMENT
(OAR 660-19-055(2)(b))

Under this factor, the jurisdiction must address the following statewide planning goals and administrative rules which were amended since acknowledgment.

<u>GOALS</u>	<u>EFFECTIVE DATE</u>
Goal 2 Land Use Planning 660-04-000	07/21/82
Goal 5 Natural Resources 660-16-000	06/29/81
Goal 9 Economic Development 660-09-000	Per. Rev.
Goal 10 Housing Rule 660-08-000	07/21/82
Goal 11 Public Facilities Rule 660-11-000	Per. Rev.

Response

The City of Salem has addressed the administrative rules on pages 10-1 through 13-2 of the final order.

The City of Keizer has addressed the administrative rules on pages 2-1 through 2-27 of the final order.

CONCLUSION-FACTOR TWO

Based on the findings in the City of Salem's periodic review order, the city satisfies the requirements of Factor Two, except for the Goal 9 rule on economic development and the Goal 10 rule on Housing, as described in Section A, above.

Based on the findings in the City of Keizer's periodic review order, the city satisfies the requirements of Factor Two, except for the Goal 9 rule on economic development and the Goal 10 rule on Housing, as described in Section A, above.

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FACTOR THREE

NEW OR AMENDED STATE AGENCY PLANS OR PROGRAMS
ADOPTED SINCE THE DATE OF ACKNOWLEDGMENT
(OAR 660-19-055(2)(c))

Requirement

"The comprehensive plan or land use regulations are inconsistent with a state agency plan or program relating to land use that was not in effect at the time the local government's comprehensive plan was acknowledged, and the agency has demonstrated that the plan or program:

- (A) Is mandated by state statute or federal law;
- (B) Is consistent with the goals; and
- (C) Has objectives that cannot be achieved in a manner consistent with the comprehensive plan or land use regulation."

State agency programs that apply to the city were listed in the DLCD periodic review notice.

Response

The City of Salem has addressed the state agency programs listed in the department's periodic review notice on pages 14-1 through 14-3 of the final order.

The City of Keizer has addressed the state agency programs listed in the department's periodic review notice on pages 3-1 through 3-4 of the final order.

CONCLUSION-FACTOR THREE

Based on the findings referenced above, the City of Salem and the City of Keizer satisfy the requirements of Factor Three. The cities have amended their comprehensive plans and regulations to be consistent with state agency plans and programs.

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FACTOR FOUR

ADDITIONAL PLANNING TASKS REQUIRED AT THE TIME OF
ACKNOWLEDGMENT OR AGREED TO IN RECEIPT OF STATE GRANT FUNDS
(OAR 660-19-055(2)(d))

Requirement

The city or county must do additional planning that:

- (a) Was required in the comprehensive plan or land use regulations at the time of initial acknowledgment or that was agreed to by the city or county in the receipt of state grant funds for review and update; and
- (b) Is necessary to make the comprehensive plan or land use regulations comply with statewide goals.

Response

Factor four does not apply to the City of Salem's periodic review.

The City of Keizer finds that no additional plan or code amendments are required under Factor Four (final order, page 4-1).

CONCLUSION-FACTOR FOUR

Factor Four does not apply. Neither city nor the department have found any issues under this factor.

OVERALL CONCLUSION: SECTION B

Except for the issues discussed above under Section A, the periodic review orders for the Cities of Salem and Keizer meet the requirements of periodic review.

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IV. OVERALL CONCLUSION

The periodic review orders of the City of Salem and the City of Keizer do not adequately address Periodic Review Factors One and Two. The Director refers this periodic review to the Land Conservation and Development Commission with a recommendation that the local jurisdictions be required to amend their comprehensive plans and implementing ordinances in order to comply with Goals 2, 9, 10, and 14.

1. In order to comply with Periodic Review Factor One and Goals 2 and 14, the Cities of Salem and Keizer, Marion County and Polk County must:
 - a. Amend Regional Policy G.1 to state that amendments to the Salem/Keizer urban growth boundary (UGB) must be adopted concurrently by all four affected jurisdictions.
 - b. Amend Regional Policy G.3 to delete the following sentence: "This consideration does not include comparison of the proposed change with lands within the Salem/Keizer urban growth boundary."
 - c. Amend Regional Policy G to state that amendments to the Salem/Keizer UGB must be based on projections of land needs and the supply of buildable land within the whole urbanizable area.
 - d. Amend Regional Policy G.3 to include all of the seven factors of Goal 14.
2. In order to comply with Periodic Review Factor Two, Goal 3 and OAR 660-09-000 "Industrial and Commercial Development" the Cities of Salem and Keizer, and Marion County and Polk Counties must:
 - a. Adopt policies and implementing measures which regulate divisions of large industrial sites (i.e., 20, 40 and 80 acres) so that large sites provided under the recommendations of Project 90 remain available for their intended use.
 - b. Adopt measures which prevent the rezoning of large industrial sites in the UGB. Alternatively, jurisdictions may assure simultaneous replacement of rezoned large industrial sites, using surplus lands in other uses already in the UGB.
3. To comply with Periodic Review Factors One and Two, Goal 10, OAR 660-08-015, 020, and 025, and ORS 197.307, the Cities of Salem and Keizer, and Marion County and Polk County must:
 - a. Adopt clear and objective approval processes and

CITY COUNCIL MEETING: July 17, 1995

AGENDA ITEM NUMBER: _____

TO: MAYOR KOHO AND COUNCIL MEMBERS

**THROUGH: DOTTY TRYK,
CITY MANAGER**

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: *PUBLIC HEARING ON PERIODIC REVIEW
(UT AND RELATED ZONE CHANGES)***

DATE: July 7, 1995

This public hearing has been continued to tonight. At the Council's June 19, 1995 meeting, Council directed staff to return with a proposed form of ordinance adopting the suggested zone changes.

RECOMMENDATION:

Staff recommends that the Council open the public hearing, consider any additional testimony, and close the public hearing. Following deliberation, staff recommends adoption of the enclosed ordinance.

ESJ/tmh

1 BILL NO. _____

A BILL

ORDINANCE NO.
95-_____

2
3 FOR

4 AN ORDINANCE

5 IN THE MATTER OF THE KEIZER PERIODIC REVIEW (REZONE
6 OF URBAN TRANSITION LAND); AMENDING ORDINANCE
7 NO. 87-077; AND DECLARING AN EMERGENCY

8 WHEREAS, state statutes and administrative rules require submittal of a
9 Local Review Order in connection with Periodic Review of the Keizer
10 Comprehensive Plan;

11 WHEREAS, the Keizer Local Review Order has been prepared and adopted
12 as Ordinance No. 93-250, and submitted to the Land Conservation and
13 Development Commission (LCDC);

14 WHEREAS, LCDC by Order dated July 15, 1993, acknowledged part, but
15 not all of the Local Review Order;

16 WHEREAS, one segment of the Local Review Order that was not
17 acknowledged was the matter of Urban Transition-zoned land that has been
18 designated for residential use in the Keizer Comprehensive Plan;

19 WHEREAS, upzoning such lands to residential zones is appropriate and
20 addresses LCDC's concerns;

21 WHEREAS, in addition to the residential designated lands noted above,
22 certain school district properties and city properties should be rezoned Public in
23 order to make the zone consistent with the long term use of such properties;

24 NOW, THEREFORE,

25 The City of Keizer ordains as follows:

26 ///

1 Section 1. FINDINGS. The City of Keizer adopts the Findings set forth
2 in Exhibit "A" attached and by this reference incorporated herein.

3 Section 2. ADOPTION. The City of Keizer hereby rezones the
4 following properties as noted below:

- 5 a. All properties currently zoned Urban Transition (UT), except for those
6 within the Clearlake area north of Barnick Road, are hereby rezoned
7 to a residential designation as follows:
- 8 i. If the underlying Comprehensive Plan designation is Low Density
9 Residential (LDR), then the zone shall be Single Family Residential
10 (RS).
- 11 ii. If the underlying Comprehensive Plan designation is Medium and
12 High Density Residential (MHDR), then the zone shall be Multi-
13 Family Residential (RM).
- 14 b. The Urban Transition (UT) zoned land known as Whiteaker Middle
15 School and Keizer Elementary School is hereby rezoned to Public (P).
- 16 c. The Multi-Family Residential (RM) zoned property owned by the City
17 of Keizer, and known as the "City Hall property" is hereby rezoned
18 to Public (P).

19 Such rezonings are set forth on the map attached as Exhibit "B", and by
20 this reference incorporated herein. If any of the rezonings described above are
21 in conflict in any way with the attached map, such map shall control.

22 Section 3. OFFICIAL RECORD. A copy of the map attached as Exhibit
23 "B" shall be marked "Official Text," shall be attached to the Keizer Local
24 Review Order referenced above, and shall be kept on file in the office of the City
25 Recorder.

26 Section 4. AMENDMENT OF THE KEIZER ZONING ORDINANCE.
27 Ordinance No. 87-078 (Keizer Zoning Ordinance) is hereby amended as set forth
28 herein.

CITY COUNCIL MEETING: June 19, 1995

AGENDA ITEM NUMBER: 5c

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK, *Dotty*
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PUBLIC HEARING
PERIODIC REVIEW: UT AND RELATED ZONE CHANGES

DISCUSSION:

The Land Conservation and Development Commission granted approval on June 10, 1993 to the City of Keizer Periodic Review Order, with conditions. This order represents a major update to the Keizer Comprehensive Plan performed in accordance with State Administrative Rules requiring the periodic review of comprehensive Plans.

There were three conditions of approval set by the LCDC. The first, developing a new industrial lands policy, was rendered moot when the City redesignated the Epping property away from industrial. The second, providing clarification on the process for changes of the urban growth boundary, was adopted by the Council on December 5, 1994 and subsequently approved by the LCDC.

The action before the Council tonight represents the third and final part of the periodic review process. This is a public hearing to consider a large legislative zone change eliminating much of the UT (Urban Transition) zoning. There are four specific types of changes proposed:

1. All property zoned UT and designated Low Density Residential on the Comprehensive Plan land use map is proposed for rezoning to RS (Residential Single Family) with the exception of lands north of Barnick Road in the Clear Lake Neighborhood.
2. All property zoned UT and designated Medium High Density Residential on the Comprehensive Plan land use map is proposed for rezoning to RM (Residential Multi-Family).
3. All property zoned UT and designated E (Education) on the Comprehensive Plan land use map is proposed for rezoning to P (Public).
4. The City Hall property is proposed to be rezoned from RM (Residential Multi-Family) to P (Public).

Each of these changes is summarized below. A draft statement of findings and conclusions on the proposed changes is attached for the Council's information. It will be incorporated into the final order for Council action on this matter. A map of the changes is attached to that document.

These changes represent the Planning Commission's recommended response to the requirement within the LCDC order which states:

In order to comply with Periodic Review Factors One and Two, Goal 10 Housing, ... the City of Keizer must:

Adopt clear and objective approval processes and standards for upzoning lands to meet 20 year housing needs. Alternatively, the jurisdiction may upzone sufficient land to meet these needs in advance, and provide clear and objective review processes for needed housing types.

The Commission carefully reviewed the two options presented and chose the latter, to rezone the property now. The reasoning was based on the fact that writing a new set of standards would be a fairly involved process, which rezoning would involve only two vacant UT zoned parcels designed for Medium-High Density Residential use. As an issue of economy of scale, the Commission decided it would be better to rezone these two property now, than create a whole new process for reviewing zone changes requests later.

As part of the rezone effort, the Commission chose to rezone almost all UT zoned lands in order to eliminate much of the difficulty the provisions of the UT zone have caused over the last decade. As part of the package to "clean-up" much of the zoning, the civic spaces were included as part of the effort.

The Urban Transition zone was created when the Keizer Zoning Ordinance was adopted in 1985. This zone "...is intended to retain and protect for future urban use properties which are undeveloped or underdeveloped and do not have available urban facilities such as sanitary sewer, water, drainage, and streets." In 1985, much of Keizer was undeveloped and not served with urban facilities. The UT zone provided a transition between rural use and urban use. As subdivisions occur, the zoning is supposed to automatically change from UT to RS (Residential Single Family).

In application, however, the zone has had several difficulties. These relate to the allowed uses in the zone, which include farm use and a large list of conditionally permitted uses with lesser standards than allowed in the RS zone. These also relate to the fact that land that should have been rezoned to RS in many cases was not. These issues are summarized below:

- Partitionings (land divisions resulting in 2 or 3 lots in one calendar year) are allowed in the UT zone without the automatic zone change to RS.
- Single family homes are allowed in the UT zone as conditional uses without rezoning to RS.

- In both of the cases listed above, UT properties have been "developed" without ever being rezoned to RS. Yet, being fully developed, there is now no motivation for the properties to ever change to RS.
- Due to the rapid development activity of the last decade, there are many small isolated properties zoned UT which are surrounded by residentially developed and RS zoned property. The uses allowed on the UT properties are not necessarily appropriate adjacent to these developments. For instance, auto repair and home occupations occupying a detached structure of up to 1,500 square feet are two uses that may not be desirable within a developed area.
- Marion County failed to rezone several subdivisions during the early and mid-1980's that should have been rezoned to RS. For example, the keeping of livestock is allowed in the first eight phases of McNary Estates as these areas were never rezoned from UT to RS.

The Planning Commission decided to recommend the land north of Barnick Road, which is the northern boundary of the new Clear Lake Elementary School, remain in the UT zone. This is the last area of the City yet to be developed. It has no sewer or water service adequate to support development. Much of it is in farm use. The UT zone is appropriate recognizing it is land that is still in transition to urban use.

SUMMARY

Urban Transition to Residential Single Family -

This change impacts much of the central and northern portions of the community. The UT zone is found in large tracts in the north, and in isolated pockets in other areas.

The change will have the greatest benefit in the isolated pockets in two ways. First, the proposed RS zone will place the same a set of land use regulations on the properties as are in place in surrounding developed lands.

Second, to build anything on a UT zoned property, a conditional use is required. Therefore, on the numerous smaller UT lots, a person wishing to build a single family home must go through a conditional use process while next door on a RS zoned property no such land use process is required.

The Planning Commission chose to recommend leaving the land north of Barnick Road zoned UT as it has no sewer and water service and is generally in farm use.

Urban Transition to Multi-Family

This change impacts five properties. Two, the Oakwood Mobile Home Park on River Road, and Keizer Christian Church on Wheatland Road, are already developed. The change will bring their zoning into conformance with the Comprehensive Plan.

Three properties are proposed for change to RM that have development potential. These include the land in the triangle between Wheatland Road and River Road; land at the northeast corner of the intersection of Trail Avenue and Lockhaven Drive; and the St. Edward's Catholic Church property.

The Commission considered waiting to rezone these properties until the new Development Code was adopted, as it will have tighter standards for multi-family development. However, since the deadline for completion of this Periodic Review Task is July 1, and the Development Code will be before the Council for adoption this Fall, and since the Commission nor staff are aware of any development interest in any of these properties, the Commission decided the risk of rezoning now is minimal and that the changes should proceed.

Urban Transition to Public

Both Cubser and Whiteaker schools are zoned UT. This proposed change to Public will bring their zoning into conformance with both the Comprehensive Plan and the existing use.

Multi-Family to Public

The proposed change to the City Hall property eliminates the existing situation where the use of the property does not conform with the zoning.

RECOMMENDATION:

It is recommended the Council:

1. Open the public hearing and receive any testimony;
2. Hold the hearing over until July 17, 1995; and
3. Direct staff to return on July 17, 1995 with an order for the Council's action approving the proposed changes.

CITY OF KEIZER
MARION COUNTY, OREGON

In the Matter of	)	
	)	
Certain Legislative	)	FINDINGS AND CONCLUSIONS
Changes to the Zoning	)	
Map of the City of	)	
Keizer, Oregon	)	

I GENERAL

A. Legislative Amendment

1. Background. The matter before the City of Keizer is a proposed legislative rezoning of several properties within the city from "Urban Transition" to a specific residential zone. The upzoning of these properties, along with the adoption of clear and objective criteria for the future rezoning of the properties in the Clear Lake area, is intended to satisfy the Land Conservation and Development Commission's concern about a deficiency in Keizer's Comprehensive Plan and Zoning Ordinance related to Goal 10, Housing. In addition, rezoning these properties legislatively will reduce the burden on the property owner and the city staff of having to process zone change requests one at a time.

In February of 1993 the City of Keizer submitted a Final Periodic Review Order to the Department of Land Conservation and Development. The Department, and later the Land Conservation and Development Commission, concluded that the City's current upzoning process and standards (4.16) are not "clear and objective". The Commission requires that the City either

adopt new criteria which are clear and objective, or alternatively, legislatively upzone lands now zoned UT to a residential zone.

The UT zone is basically a "holding" zone, which is intended to convert at some point in time to a residential zone which allows residential densities consistent with the Comprehensive Plan designation. The purpose of the zone is stated as follows:

The UT (Urban Transition) zone is intended to retain and protect for future urban use properties which are undeveloped or underdeveloped and do not have available urban facilities such as sanitary sewer, water, drainage and streets. The zone allow the continuation of legally established uses and certain other limited uses which will not interfere with the efficient, later use of the land for urban development.

In fact, Section 36.31 of the Keizer Zoning Ordinance states that a rezone to the RS (Single Family Residential) zone is "automatic" when a subdivision final plat is recorded. Some of the properties that would be legislatively upzoned have already been developed as residential uses. Others properties now have either sewer, water or both services available to them.

Many of these properties are within areas designated in the Keizer Comprehensive Plan (Section 36.30) as having a high or medium priority for expansion of public facilities and services. (Figure 36.1). Since the Plan was adopted in 1987, sewer and water services have been extended into most of these properties, with the one major exception of the Clear Lake area north of Harnick Road.

Based on the above, it is recommended that all of the properties currently zoned UT - except for those within the Clear Lake area north of Harnick Road - be rezoned to a more specific zone that would allow development to proceed on those properties without the necessity of a upzone later. In addition, it is recommended that several school sites now zoned UT be zoned P (Public) consistent with the Comprehensive Plan designation and current use. It is also

recommended that the UT zone be retained for residential lands in the Clear Lake area north of Harnick Road. Section 36.31 (a) of the City of Keizer Zoning Ordinance, which provides for the automatic rezone of UT to RS upon approval and recordation of a plat creating 4 or more lots, establishes "clear and objective standards and processes" for upzoning when public sewer and water are available.

2. Properties designated as Low Density Residential on the Keizer Comprehensive Plan Map. Most of the properties being recommended for upzoning to a specific residential zone are designated as Low Density Residential (LDR) on the Keizer Comprehensive Plan. The most appropriate corresponding zone for the LDR areas is RS, Single Family Residential.

These properties, altogether, make up approximately ____ acres. Assuming an average density of three units per acre, full development of these properties would add roughly ____ additional dwelling units to the City's housing inventory. (Although some of these housing units have already been built in new subdivisions within the UT zone).

3. Properties designated as Medium/High Density Residential on the Keizer Comprehensive Plan Map. Some of the properties being proposed for upzoning are designated as MHDR (Medium and High Residential Density) on the Plan map. There are three zones that are allowed within Comprehensive Plan designation: Limited Density Residential (RL); Medium Density Residential (RM) and High Density Residential (RH). It is proposed that these areas be upzoned to RM, which allows approximately 16 dwelling units per acre. The RM zoning is consistent with the zoning in the immediate vicinity of the subject properties.

The total amount of land not designated MHDR on the Comprehensive Plan map, and UT on the zoning map, is ____ acres. If these properties were upzoned to RM, and were eventually

built out at 16 units per acre, it would add roughly ____ dwelling units to the City' housing inventory.

4. Properties Designated Elementary School and Middle School on the Keizer Comprehensive Plan Map. Although not a requirement for periodic review, several existing school sites in Keizer are currently zoned UT. These sites include _____ Elementary School and Whiteaker Middle School which are designated ES and MS on the Comprehensive Plan map, respectively. The zoning district appropriate for these developed sites is Public (P).

B. Department of Land Conservation and Development Review

The Department reviewed Keizer's "Periodic Review Order", submitted to it on 2/24/93 and found that the plan and ordinance provisions related to rezoning were deficient. Specifically, the Commission found that "the approval standards, conditions and procedures are not clear and objective". In a letter from Richard Benner, Director of the Department of Land Conservation and Development, it concludes the following on page 17:

To comply with Periodic Review Factors One and Two, Goal 10, OAR 660-08-015, 020, and 025, and ORS 197.307, the Cities of Salem and Keizer, and Marion County and Polk County must:

a. Adopt clear and objective approval processes and standards for upzoning lands to meet 20-year housing needs. Alternatively, the jurisdictions may upzone sufficient land to meet these needs in advance, and provide clear and objective review process[es] for needed housing types.

C. Planning Commission Consideration and Review

The Planning Commission met on July 14, 1994 and adopted a Resolution initiating a legislative amendment to the Keizer Zoning Map. The Commission also directed staff to prepare a zone change application and report consistent with the requirements of Chapter 4 of the Keizer zoning Ordinance.

II. APPLICABLE CRITERIA

All criteria applicable to the proposed legislative zone changes are set forth in Section 4.16 of the Keizer Zoning Ordinance, Ordinance 87-078. The criteria are repeated in Section III, following.

III. FINDINGS AND CONCLUSIONS CONCERNING APPLICABLE CRITERIA.

The Keizer Zoning Ordinance, in Section 4.16, states the following:

"4.16 ZONE CHANGE CRITERIA

(1) The following criteria shall be used to review and decide either legislative amendments or applications that involve a change in the zoning classification of land: "

It goes on to state six criteria relevant to residential zone changes. Those criteria, along with findings and conclusions responding to those criteria, are listed below.

(a) The proposed zone is appropriate for the Comprehensive Plan land use designation of the property and is consistent with the descriptions and policies for the applicable Comprehensive Plan land use classification. (Section 4.16(1)(a), KZO)

The proposed rezonings are appropriate for the Comprehensive Plan land use designations of the properties. Specifically, the Comprehensive Plan designates all of the properties to be rezoned as either "Low Density Residential" (LDR), which would allow up to 8 dwelling units per gross acre, or "Medium & High Density Residential (MHDR), which would allow 8 to "over 16" units per gross acre.

The only zoning district appropriate for the areas designated LDR is RS (Single Family Residential), which would allow dwelling units on 4000 square feet within a mobile home park or in a planned development, or 6000 square feet in other areas, which would typically result in a

build out density of less than 8 units per gross acre. The zones appropriate within the MHDR Comprehensive Plan designation include the "Limited Density Residential" (RL), "Medium Density Residential" (RM), and "High Density Residential" (RH), which allow attached and detached dwelling units anywhere from one per 3000 to one per 1500 square feet of net lot area. This would typically result in these areas building out at over 8 units per gross acre.

The proposal is to legislatively rezone those properties within the LDR Comprehensive Plan designations to RS, and those properties within the MHDR Comprehensive Plan designation to RM. The school sites designated ES and EM in the Comprehensive Plan will be rezoned to P. These zoning designations are appropriate for the Comprehensive Plan land use designation of the property, and therefore the first part of this criteria is met.

The second part of this criteria states that the rezone must be "consistent with the descriptions and policies for the applicable Comprehensive Plan land use classification". Such descriptions and policies are found in Chapter III of the Comprehensive Plan, specifically Sections D.1. FINDINGS and D.2. GOALS AND POLICIES. Section D.1. reviews the designations of vacant buildable land by land use type, noting that 861.5 acres are designated for single-family residential, and 168.1 acres are designated for multi-family residential.

Section D.2. b. Low-Density Residential calls for ensuring that, within the areas designated "Low Density Residential" on the Plan map:

- (a). land use is predominantly single-family residential, with as many as 8 units per gross acre.
- (b). A variety of housing types are allowed in this category such as detached, attached, duplex and manufactured housing...In this district, each residential unit will be on a single lot.

Section D.2.c. Medium and High Density Residential, calls for allowing a mix of housing types in this category in two general levels of residential density:

- (a). Medium density - over 8 and up to 16 units per gross acre.
- (b). High density - over 16 units per gross acre.

It also calls for allowing attached, duplex and multiple housing in this category.

The proposed zones of RS and RM allow the densities and dwelling unit types described in the Comprehensive Plan. The proposed P zone for the school sites is appropriate for the school uses identified in the Comprehensive Plan. Therefore, the proposed rezoning are consistent with the descriptions and policies for the applicable Comprehensive Plan land use classification.

- b. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity. (Section 4.16(1)(b), KZO).**

The proposed uses are mostly residential, along with supportive uses such as home occupations, golf courses, schools, parks, community clubs and churches and similar uses allowed either outright or as a conditional use.

Because the proposal is for a legislative rezoning of several properties, there is no specific use proposed on a specific property. Standards contained in the Zoning Code ensure that, as development occurs, it does so in such a way as to not exceed the properties physical capacity. For instance, Chapter 42 regulates properties within the flood plains; Chapter 43 contains special regulations under which properties lying within the Greenway overlay zone must develop; and Chapter 47 contains standards applicable to lands within an Resource Conservation Area Overlay zone. These regulations help ensure that the uses permitted on these properties can be accommodated without exceeding the physical capacity of those properties.

The zone changes proposed for the school sites apply to sites already developed for school uses. This criteria is already met.

c. Allowed uses in the proposed zone can be established in compliance with the development requirements in Chapters 17-20 of the KZO without need for adjustments or variances. (Section 4.16(1)(c), KZO).

The allowed uses are mostly residential, from 8 to over 16 units per gross acre. The development regulations contained in Chapters 17 - 20 pertain to setbacks, lot coverage, parking, height restrictions, landscaping and provisions for accessory structures. These development regulations are similar to other development regulations in other cities and counties where residential development has occurred, and similar to the regulations under which other residentially zoned properties in Keizer were developed. There is anything unusual about regulations themselves that would suggest that the allowed uses in the proposed zone would have any particular difficulty in meeting those development requirements.

Similarly, the properties that are proposed to be rezoned are similar in nature to other properties that have been developed as residential in the City of Keizer. There is no reason to suspect that, because of unusual land features, the properties could not be developed in compliance with the development regulations contained in the KZO, Chapters 17-20.

As development occurs, there may be some requests for variances or adjustments based on the particular characteristics of a specific property and the specific design of the building(s). In general, however, the properties being rezoned can develop in compliance with the standards of the zoning ordinance.

The zone changes proposed for the school sites apply to sites already developed for school uses. This criteria is already met.

d. Adequate public facilities, services and transportation networks are in place or are planned to be provided concurrently with the development of the property. (Section 4.16(1)(d), KZO).

The proposed legislative rezoning is in conformance with the Comprehensive Plan and the public facility, transportation and community services aspects of that Plan. In fact, most of the public facilities, services and transportation networks are already in place. The areas identified as "Priority 1" on Figure 36 - 1 of the Keizer Zoning Ordinance currently have sewer and water facilities available. "Priority 2" areas have either sewer or water, and are likely to be fully serviced as development occurs. The properties being rezoned are all within a Priority 1 or 2 area.

Public streets, sanitary sewer and water lines are either in place or will be available to service all of these properties if and when they are developed to the uses permitted under the proposed zones. Other services, such as schools, have already anticipated these properties being developed at the densities which would be allowed by the proposed zoning. Changing the zone from UT to R S and RM will not, therefore, increase the demand for space in public schools beyond that which was anticipated by the Comprehensive Plan.

The same can be said of parks, recreation, library, police, fire and other general governmental services. The rezoning of these properties will not increase the demand for services beyond what was anticipated by the Keizer Comprehensive Plan.

Transportation facilities have been planned and constructed with the assumption that these properties now zoned UT would eventually be rezoned consistent with the Comprehensive Plan. The Salem Area Transportation Study and Areawide Transportation Plan (SATS) was completed in 1985, and re-adopted as part of the 1986 Keizer Comprehensive Plan. The SATS has been updated since to reflect the Keizer Comprehensive Plan.

The City adopted a Functional Highway Classification system as part of its Comprehensive Plan of January, 1987. That classification plan assumed that the properties designated as RS and MHDR on the Comprehensive Plan map would eventually be rezoned from UT to the appropriate residential zoning.

The zone changes proposed for the school sites apply to sites already developed for school uses. This criteria is already met.

VI FINDINGS AND CONCLUSIONS REGARDING AUTOMATIC REZONING

It is recommended that the UT zone be retained in the Clear Lake area north of Harnick Road. Public sewer and water facilities are not now available with sufficient capacity to serve residential land uses identified on the Comprehensive Plan map. Future extensions of public facilities will rely for the most part on developer/property owner initiated service extensions.

Section 36.31 (a) of the Keizer Zoning Ordinance establishes an automatic rezone process for UT lands. This section states:

A subdivision, residential planned development or other residential development involving the division of land into 4 or more lots intended to be occupied by dwellings or mobile homes may be considered on property in the UT zone if public sewer and water will be available at the time of development. Notwithstanding the zone change procedures in Chapter 4, upon approval and recordation of the plat the land included in the plat shall automatically be rezoned to the RS (Single Family Residential) zone.

This provision provides a "clear and objective procedure" for upzoning lands automatically as long as adequate public sewer and water are provided.

V. SUMMARY

The essential purpose of establishing the UT zone have been met. Most of the properties being upzoned are either developed, or have sewer or water service (or both) available to them. Rezoning these properties would allow the City to have its Periodic Review Order accepted by the Department of Land Conservation and Development and would remove an unnecessary step in the development process. In addition, the proposed legislative rezoning meets the criteria as stated in Section 4.16 of the Keizer Zoning Ordinance. The automatic rezoning provision of Section 36.31 (a) of the Keizer Zoning Ordinance provides a "clear and objective" process for upzoning UT areas located in the Clear Lake area when adequate public sewer and water are available.

May 27, 1993

RECEIVED

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DEPARTMENT OF
LAND

TO: Land Conservation and Development Commission

CONSERVATION

FROM: Richard P. Benner, Director *RB*

CITY OF KEIZER
OREGON 97303

AND
DEVELOPMENT

SUBJECT: Agenda Item 4.1, June 10, 1993, LCDC Meeting

EXHIBIT "A-157"

SALEM AND KEIZER PERIODIC REVIEWS

BACKGROUND

On May 21, 1993, the department issued its report on the final periodic review orders for the Cities of Salem and Keizer. The report finds that the cities have met all requirements of periodic review except with regard to three issues, outlined on pages 3 through 12 of the attached report. The attached report refers the Cities of Salem and Keizer periodic review orders to the Commission for final action.

Objections

The department received no objections to either city's final periodic review order.

Unresolved Issues

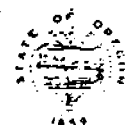
The findings in the report are divided into two sections:

1. Section A, "Referral Issues," consists of the issues referred to LCDC for resolution. These issues concern portions of the submittal which are found not in compliance with the requirements of periodic review, statewide goals, rules, and statutes (see pages 3 through 12).

2. Section B, "Consistency with Periodic Review Requirements," refers to the remaining portions of the local periodic review orders which satisfy all statutory and rule requirements of periodic review (see pages 13 through 16).

The following is a summary of the unresolved periodic review issues and compliance recommendations for each issue:

Richard Benner
Director



1175 Court Street N.E.
Salem, OR 97301-3737
(503) 586-1000
FAX: (503) 586-1001

Urban Growth Boundary:

The comprehensive plans for the Cities of Salem and Keizer are bounded by a regional urban growth boundary (UGB) which was jointly adopted by the City of Salem, City of Keizer, Marion County, and Polk County. The regional boundary recognizes that these jurisdictions share a common housing, employment and business market area.

The two comprehensive plans which govern this urban area are coordinated through the adoption of "regional policies" by the four local jurisdictions. Regional Policy G governs amendments to the UGB. The department's report lists several changes to this policy which are necessary to comply with Goals 2 and 14. The most important change is to clarify that UGB amendments must be adopted by all four jurisdictions, based on coordinated projections for population, housing and employment as well as coordinated inventories of developable land.

Industrial Lands:

During the original acknowledgment process, a large amount of land was justified for inclusion within the UGB to meet the need for large industrial uses (in the range of 20 to 59 acres, 60 to 119 acres, and 120 acres and above).

At periodic review, it became apparent that these industrial sites are not adequately protected against conversion to other uses and/or divisions into smaller parcels. The four jurisdictions attempted to address this problem. However, they were unable to agree on a policy which provides adequate protection for these needed industrial sites.

Based on our conversations with the planning directors, this issue may require considerable effort to resolve.

Needed Housing:

All urban jurisdictions are required to provide a 20-year supply of buildable land within the UGB. Salem and Keizer have planned and zoned a supply of buildable land which is only adequate for 12 years. The remaining areas of the UGB are planned and zoned "developing residential" in Salem and zoned "Urban Transition" in Keizer (the plan map designations in Keizer are specific).

Since specific zoning is not applied in all areas, the plans must rely on upzoning (rezoning for higher density) to provide land for needed housing over 20 years. Some of the future sites for multifamily development, for example, require a rezoning before they can be developed.

The Goal 10 rule, OAR 660-08-020 and 660-025-030, allows such an "upzoning" process under certain circumstances when the process is clear and objective. The department has reviewed the

(May 27, 1993

jurisdictions' plan and ordinance provisions related to rezoning, and finds that the approval standards, conditions and procedures are not clear and objective.

OVERALL RECOMMENDATION

Require the jurisdictions in the Salem/Keizer urban area to amend their Periodic Review Order, comprehensive plan and related ordinances in order to comply with Statewide Goals 2, 9, 10, and 14, regarding:

- regional policies governing amendments to the Salem/Keizer urban growth boundary;
- protection of industrial sites; and
- clear and objective standards for housing.

Sustain portions of the Salem/Keizer periodic review orders as in compliance with the periodic review factors as specified in the department's report.

The department also recommends that the Commission establish October 1, 1993, as the final submittal date for all amendments required to remedy these problems.

RPB:JH:BR/deb
<pr>

Attachment: Salem/Keizer Periodic Review Report

cc: Kenn Battaile, City of Salem
John Morgan, City of Keizer
Russ Nebon, Marion County
Art Schlack, Polk County
Bob Rindy, Field Representative
DLCD Files (Ptld, Lib(2), LR)

DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
PERIODIC REVIEW

Salem and Keizer Urban Area

FINAL ORDERS RECEIVED:
February 24, 1993

COMMISSION REVIEW:
June 10, 1993

I. ACTION OF THE DIRECTOR

Referral of the Salem/Keizer final periodic review submittal to the Land Conservation and Development Commission.

Recommended Action:

Require the jurisdictions in the Salem/Keizer urban area to amend their Periodic Review Order, comprehensive plan and related ordinances in order to comply with Statewide Goals 2, 9, 10, and 14, as specified in this report.

Sustain portions of the Salem/Keizer periodic review orders as in compliance with the periodic review factors as specified in this report.

DLCD FIELD REPRESENTATIVE:
Bob Rindy, 373-0067

DLCD REVIEWERS:
Jim Hinman, 373-0088
Bill Adams, 373-8009
Bob Rindy, 373-0067

LOCAL GOVERNMENT CONTACTS:
Kenn Battaille, City of Salem, 588-6173
John Morgan, City of Keizer, 390-3700
Russ Nebon, Marion County, 588-5038
Art Schlack, Polk County, 623-9237

DATE OF REPORT: May 21, 1993

II. BACKGROUND

The Salem/Keizer urban area plans are administered by the Cities of Keizer and Salem and by Polk and Marion Counties. The planning area is within a single urban growth boundary (UGB). In 1990, the population of Salem was 108,200 and the population of Keizer was 21,950.

The City of Keizer was incorporated in 1982, subsequent to the initial 1982 acknowledgment of the Salem area plan by LCDC. At the time of Salem's acknowledgment, the Keizer urban area was unincorporated land inside the Salem urban growth boundary. The City of Keizer's comprehensive plan and land use ordinances were adopted in January, 1987. LCDC did not review nor acknowledge this document; it was "deemed acknowledged" through ORS 197.625, i.e., as an unchallenged post acknowledgment amendment to the Salem area plan.

The Salem/Keizer urbanizable area has remained a single urban growth boundary (UGB) with two separate comprehensive plans. The four jurisdictions have adopted an intergovernmental agreement in order to coordinate land use decisions within the boundary. The coordination program includes certain "regional policies" which are adopted by all four jurisdictions.

<u>Chronology</u>	<u>Salem</u>	<u>Keizer</u>
Acknowledgment	5/20/82	1/19/87
Periodic Review Notice Sent	1/15/88	1/15/88
Proposed Order Submitted	11/15/88	5/5/89
DLCD Comments Mailed	2/10/89	7/19/89
Final Order Submitted	11/4/92	2/24/93

Proposed orders and proposed amendments to the plan were submitted to the department on November 15, 1988 and May 5, 1989. The department's comments on these proposed orders were mailed on February 10, 1989 and July 19, 1989.

The Cities of Salem and Keizer chose to remain under the "old" periodic review process contained in OAR 660--Division 19.

Upon receiving final periodic review orders from both cities, the department found the cities' periodic review submittals to be complete on February 24, 1993. The department notified interested parties about receipt of these orders. No objections were received.

III. FINDINGS

The Cities of Salem and Keizer and Marion and Polk Counties, each held a final periodic review hearing and adopted a final "periodic review order" addressing the state's requirements and the four Periodic Review Factors under OAR 660-19-055. The final local periodic review orders are considered to include all land use documents referenced by the jurisdictions' adopted findings.

The director's report contains the findings of the department about whether the submittal complies with Statewide Goals, rules and statutes. This report is divided into two sections:

- Section A consists of the issues referred to LCDC for resolution. These issues concern portions of the submittal which are found not in compliance with the requirements of periodic review, statewide goals, rules, and statutes.
- Section B refers to the remaining portions of the local periodic review orders which satisfy all statutory and rule requirements of periodic review.

SECTION A. REFERRAL ISSUES

Urban Growth Boundary

Goal 2 requires the comprehensive plans of neighboring cities and counties to be "consistent" and "coordinated." ORS 197.190 requires that counties coordinate comprehensive planning within each county to "assure an integrated comprehensive plan for the entire area." In addition, LCDC's housing rule, OAR 660-08-030, requires regional coordination to assure "that needed housing is provided for on a regional basis through coordinated comprehensive plans."

Salem and Keizer comprise one of the largest metropolitan areas in the state. In the decade from 1980 to 1990, the populations of Marion and Polk Counties increased by 11% and 10%, respectively. The City of Salem's population increased by 21% during the same period. Because of its size and robust population growth, it is particularly important that decisions on where and how growth will occur be coordinated among the affected jurisdictions.

The comprehensive plans for the Cities of Salem and Keizer are bounded by a regional urban growth boundary (UGB) which was jointly adopted by the City of Salem, City of Keizer, Marion County and Polk County. Although Salem and Keizer are separate political jurisdictions, they share a common housing, employment and business market area. Many people live in one city while working or shopping in the other. In addition, the two cities share major public facilities such as a regional sewage treatment plant, a bus system and arterial streets.

Prior to periodic review, the comprehensive plans of the two cities contained policies requiring concurrent (joint) adoption of major plan map amendments. During periodic review, the comprehensive plans of Salem and Keizer were amended to delete this requirement. A new mechanism for regional coordination was adopted. The new mechanism specifies that "regional policies" must be adopted concurrently by all four jurisdictions and "urban area policies" must be adopted by the two cities. However, there is no longer a concurrency requirement for plan map amendments.

The following regional policy on UGB amendments has been adopted by the four jurisdictions:

"G. Urban Growth Boundary

1. The Cities of Salem and Keizer and counties of Marion and Polk have adopted by legal description the Salem/Keizer urban growth boundary for the Salem and Keizer urban areas and shall review the Salem/Keizer urban growth boundary on a periodic basis or upon request of one of the jurisdictions to identify if changes are necessary. . .
3. Changes to the Salem/Keizer urban growth boundary shall be based upon consideration of the following factors. This consideration does not include comparison of the proposed change with lands within the Salem/Keizer urban growth boundary.
 - a. Demonstrated need to accommodate long-range urban population growth requirements consistent with State Land Use Goals.
 - b. Need for housing, employment opportunities and livability.
 - c. Orderly and economic provision for public facilities and services.
 - d. Environmental, energy, economic and social consequences.
 - e. Retention of agricultural land, as defined with Class I being the highest priority for retention and Class VI the lowest priority.

- f. Compatibility of the proposed urban uses with nearby agricultural activities.
- g. Other criteria as required by the State Land Use Goals and administrative rules.

Policy G.1, above implies that amendments to the UGB require concurrent adoption by all four jurisdictions. However, this is not explicitly stated. To clarify this point, Policy G needs to be amended to clearly state that UGB amendments require concurrent adoption by all four jurisdictions.

Policy G.3, above states that for an UGB amendment, no consideration will be given to lands already within the UGB. This statement directly conflicts with Goal 14. To determine the need for additional land within an UGB, one must determine whether an adequate supply of vacant land is available within the existing UGB. The second sentence in paragraph 3 violates this fundamental principle and must be deleted.

As described above, the Salem/Keizer UGB is based on regional land needs for residential, commercial, and industrial land and open space. This UGB was not acknowledged as two separate but adjacent UGB's. This distinction is important. LUBA has upheld the proposition that "any UGB expansion must be justified by the need to accommodate population growth within the entire UGB." (Baker vs. Marion County, LUBA No. 92-174.) The implication of this opinion as applied to the Salem/Keizer UGB is that the UGB can be amended only if there is insufficient land in both the Salem and Keizer urbanizable area to meet the projected need.

Because the UGB is regional, Policy G.3 needs to include a clear statement that findings to justify any future UGB amendments must address the entire UGB rather than only the Keizer or Salem portions of the boundary. This requires coordinated projections for population, housing and employment as well as coordinated inventories of developable land.

Regional Policy G.3 lists six of the seven "factors" from Goal 14 for amending a UGB. Factor (4) "Maximum efficiency of land uses within and on the fringe of the existing urban area" has been omitted. Factor (4) must be addressed as part of any UGB amendment and must be included in Policy G.3.

Conclusion:

For the reasons stated above, Regional Policy G "Urban Growth Boundary" does not comply with Goals 2 and 14.

In order to comply with Periodic Review Factor One and Goals 2 and 14, the Cities of Salem and Keizer, Marion County and Polk County must:

- a. Amend Regional Policy G.1 to state that amendments to the Salem/Keizer urban growth boundary (UGB) must be adopted concurrently by all four affected jurisdictions.
- b. Amend Regional Policy G.3 to delete the following sentence:
"This consideration does not include comparison of the proposed change with lands within the Salem/Keizer urban growth boundary."
- c. Amend Regional Policy G to state that amendments to the Salem/Keizer UGB must be based on projections of land needs and the supply of buildable land within the entire Salem and Keizer urban areas.
- d. Amend Regional Policy G.3 to include all of the seven factors of Goal 14.

Industrial Lands

The Salem and Keizer area Urban Growth Boundary (UGB) was initially adopted in 1974, and was expanded in 1981 in response to concerns about a shortage of suitable and available industrial sites. The 1981 "Project 90" study found that much of the city's industrial land was fragmented, in "numerous scattered parcels" less than 10 acres in size. The Project 90 report indicated new industrial sites were needed in the 20 to 40 and 80 to 200 acre range "to ensure a competitive market in industrial lands".

The city's 1982 findings in support of LCDC acknowledgment (called the "Conformance Report" findings) explained that almost 3,000 acres of additional industrial land was added to the UGB so that the inventory would contain parcels, in single ownership, in the range of 20 to 59 acres, 60 to 119 acres, and 120 acres and above. The large industrial parcels added to the UGB were intended to remain undivided and available for industries needing larger sites.

The 1982 Conformance Document also noted that the city's industrial land was:

"currently contained in zones that . . . allow the fragmentation of large parcels and the development of residences and other uses that could hamper future industrial development. In order to correct this problem, the city and Counties commit themselves to work together and develop those techniques . . . which will ensure that industrially designated lands, in large parcels within the UGB, will be held in sizes appropriate for use by a variety of industries. These techniques should be ready for adoption by City Council and Board of Commissioners by December, 1982" (Page 33).

The City of Salem did adopt an amended industrial zone for Campus Industrial in 1983, but these zones did not prevent division or

rezoning of the large industrial parcels rezoned or added to the UGB under Project 90. Keizer also adopted industrial policies and zoning in 1987. Since acknowledgment, some of the Project 90 sites have been divided, some have been developed with industrial use, and some have been rezoned to permit commercial or other types of development.

During periodic review, the City of Salem conducted a survey of industrial lands (Order, Pages 3-1 and Pages 10-1 and ff.). This determined that some industrial property has been rezoned to permit other uses such as commercial. The survey does not evaluate land division activity on the larger industrial sites in the UGB, but it is clear that a significant supply of large sites, provided under Project 90, still remains in the boundary.

During periodic review, the jurisdictions modified the plan policies for industrial use. A policy discouraging division of any industrial parcels currently over 20 acres ("Economic Development Policy 3") was modified to discourage their division below 20 acres. (Order, Page 1-56)

Therefore, the parcels ranging from "20, 40, and 70 acres or greater", described in the plan's intent statements as necessary "for the type of industries Salem wishes to attract", could ultimately be divided into numerous 20 acre pieces. In addition, there are no measures in effect to implement this policy, i.e., to "discourage" division of industrial parcels below 20 acres. The word "discourage" renders this a non-mandatory policy.

The Industrial Development Policies section of the plan was amended at periodic review in response to a concern about the issue of large industrial sites. Different regional policies were adopted by Salem and Keizer on this issue. For Salem, the amended policies state:

"(a) The division of Industrially designated parcels of 40 acres or more which were included in the urban growth boundary in 1982 or were unincorporated at that time shall be subject to a special review and approval process. The parcels may be divided after a public hearing process and recommendation by the Salem Planning Commission and final concurrence by the City of Salem and Marion County as the final decision. The purpose of this provision is to maintain two or more sites suitable for large labor intensive industries (the subject parcels are generally located: (1) at the SE corner of Boone Road and 36th Avenue, (2) between Gaffin Road and Culver Drive, and (3) between Kale Road and Hazelgreen Road)"

"(b) The division of other industrial designated parcels of 40 acres or more planned shall be the subject of a public hearing and decision making process before the Salem Planning Commission provided: 1) the proposed industrial use is verified by the applicant and 2) Marion County is

afforded an opportunity to review and comment, as an interested party, on the proposed division prior to the initial land use decision."

These policies do not provide protection for these sites. First, policy (a) simply requires a public hearing and concurrence by Marion County. There are no criteria provided to direct that the parcels be preserved. The stated purpose, to maintain two or more sites suitable for large labor intensive industries, is not stated in Project 90 or elsewhere in the plan. It appears only here in the plan, i.e., there is no justification provided regarding a decision to only preserve two large sites, rather than preserve the larger inventory provided in 1982.

The Department believes that simply requiring county concurrence when industrial land divisions are requested is not sufficient to conserve a variety of parcel sizes for use by industry.

For Keizer the regional policy is worded differently:

"2. The division of industrial designated parcels of 40 or more acres shall be subject to a special review and approval process. The proposed industrial use must be verified by the applicant. The parcels may be divided after a public hearing process and recommendation by the Hearings Officer and a final public hearing and approval by the City Council. Notice will be given to all urban area governments. Parcels will only be divided so that no more than 30 percent of the original parcel is divided into parcels of less than 20 acres."

This policy apparently applies to only one approximately 67 acre industrial parcel currently inside the Keizer urban area. The policy does not prevent the city from redesigning this property to other uses. The owner of the parcel has recently indicated the intent to ask the city to redesignate this property for residential use.

Conclusion

It is recommended that the policies and implementing ordinances in the Salem and Keizer plans be revised to prevent the division or redesignation of the large industrial parcels that were designated in 1992 to assure opportunity for a new industries seeking large sites.

We recognize that some division of these sites may be needed to accommodate new industries, as those industries commit to locating in the Salem/Keizer area. However, the current policy and implementing ordinances for the City of Salem are not worded so that protection of these large sites is mandatory.

Redesignation of large industrial parcels is not addressed by the policies in these plans. There are at least two pending requests

to redesignate Project 90 sites for other uses, and we should anticipate additional requests in the future. If the City of Keizer redesignates its large site, this would leave the city with no role in accommodating large industrial development in the region. The jurisdictions have no policies to assure replacement of lost sites.

Since the boundary is to contain a 20-year supply of lands for industrial use, it is anticipated that some sites may not develop for many years. The fact that no activity has occurred since 1982 is not an indication that these sites are no longer needed. Nevertheless, owners of large industrial sites may not realize or accept the notion that their site is in the UGB in order to provide for a need that may be many years away. Therefore, continual rezoning pressure should be anticipated, and the plan needs a mechanism to deal with this. Otherwise, the supply of available industrial land will not remain sufficient.

The Salem/Keizer UGB is estimated to contain an approximately 35 year supply of residential land. The UGB should not be expanded while there remains such a large surplus of residential land, but this becomes a real possibility if suitable industrial sites are lost to other types of uses.

Past rezoning activity and the pending proposals to change two more of the Project 90 sites indicate a pressing need for the jurisdictions to reaffirm their commitment to maintain a supply of suitable and available industrial sites in the UGB. That should be done by either (1) providing stronger resistance to the conversion of these sites, in the plan and zoning ordinance, or (2) providing an alternative process to simultaneously replace these sites, using other lands currently in the boundary.

The four jurisdictions also need to provide a coordinated agreement about their share of industrial development in the region. Keizer may not unilaterally choose to defer provision of their share of the region's industrial employment.

In order to comply with Periodic Review Factor Two, Goal 2 and OAR 660-09-000 "Industrial and Commercial Development" the Cities of Salem and Keizer, and Marion County and Polk Counties must:

- a. Adopt policies and implementing measures which regulate divisions of large industrial sites (i.e., 20, 40 and 80 acres) so that large sites provided under the recommendations of Project 90 remain available for their intended use.
- b. Adopt measures which prevent the rezoning of large industrial sites in the UGB. Alternatively, jurisdictions may assure simultaneous replacement of rezoned large industrial sites, using surplus lands in other uses already in the UGB.

Needed Housing

All urban jurisdictions are required to provide a 20 year supply of buildable land for "needed housing" within the UGB. Salem and Keizer have planned and zoned the current developed area (CDA) of the city with an adequate supply of buildable land for the next 12 years. The remaining areas of the UGB are planned and zoned "developing residential" in Salem, and zoned "Urban Transition" in Keizer (planning designations in the Keizer UT areas are specific). These areas are intended to ultimately provide the remaining supply of needed housing types, but have not yet been zoned to allow the needed housing.

The Commission's Goal 10 Rule (OAR 660, Section 8) requires that "specific plan designations" be applied to "all buildable land. However, jurisdictions may defer specific designations provided the following conditions are met.

First, the plan must demonstrate that the reason for this deferral is due to uncertainties about the location, funding, and timing of public facilities (OAR 660-08-020(2)(a) and (b)). The "Intent" chapter of the Salem plan provides this demonstration (see also pp. 11-9 through 11-11 of the Final Order). The Keizer plan does not defer specific plan designations.

Second, OAR 660-08-020(2)(c) requires that plans include "a time specific strategy for resolution of identified public facilities uncertainties and a policy commitment to assign specific residential plan designations when identified public facilities uncertainties are resolved". The Salem plan does not provide a time specific strategy for assigning specific plan designations.

Since specific zoning is not applied in Salem's developing residential and Keizer's urban transitional area, the plans must rely on upzoning in order to provide for needed housing types over the 20 year time frame. The Goal 10 Rule indicates that deferred "rezoning of land within an urban growth boundary to maximum planned residential density" is permitted provided standards and procedures governing the process for future rezoning are clear and objective. The department has reviewed the jurisdictions' plan and ordinance provisions related to rezoning, and finds that the approval standards, conditions and procedures are not clear and objective.

Salem Urban Area

The Salem Periodic Review Order states that "... the applicant must demonstrate that the conditions and character of the neighborhood has changed to warrant a higher intensity residential use, as well as review the proposal's impact on public facilities and services" (Order, Page 11-9).

Policy 12 (Rezoning Policy) on page 1-49 of the Salem Order contains vague statements such as "physical conditions and location warrant." These phrases are not clear and objective. Regional residential development policy 1 (Page 1-47) also establishes vague criteria involving "Character of existing neighborhoods" and "need."

In addition to these policies, there are other policies in the Salem plan that may apply to upzoning or to other development decisions, including land divisions. Salem zoning code Section 114.160 requires "an applicable goal or policy" to be a criteria for certain development decisions. Policies and goals throughout the plan contain vague and discretionary wording.

Policy 8 (page 1-45 of the Salem Order) and Policy 1 (listed on page 1-47 of the Order) contain vague and subjective language. Terms and phrases such as "will not adversely affect" or "are compatible with," or "the character of existing neighborhoods" are not clear and objective.

Policies 3, 8, 9, and 12 (listed on pages 1-47 and 1-48 of the Salem Order) also contain vague and subjective language if used as approval criteria. Terms such as "convenient," "due consideration," and "warrant" are not clear and objective.

Goal E "Residential Development" is not clear and objective. The term "quality living environment" is particularly vague, and could be used to block virtually any housing development if used as a review criterion.

Keizer Urban Area

The Keizer urban area includes land planned for single family and multifamily, but zoned urban transition (UT). The UT zoned areas may be upzoned to permit the uses shown on the plan, guided by Section 4 of the Zoning Ordinance. Zone Change criteria in 4.16 require review against the "description and policies" of the applicable classification, development requirements of Chapters 17 and 20, and the "purpose" section of the zone. These sections are not clear and objective, for reasons similar to those described above for the Salem plan.

Section 4.18 also requires that zone changes may be "conditioned," without limit, if necessary to "serve a public purpose such as mitigating the negative impacts on adjacent properties."

Conclusion:

The Salem and Keizer Area Periodic Review Orders do not meet Factors One and Two, and the plans do not comply with Goal 10, OAR 660-08-015, 020, and 025, and ORS 197.307.

The Salem area plan defers specific zone designations due to public facility uncertainties, but has not provided a schedule

for resolving these uncertainties and providing specific zone categories, as required by OAR 660, Section 8. (It is possible that the decision to defer specific designations in the developing residential area was made prior to completion of the Public Facilities Plan, and more specific zoning decisions may now be possible).

The Salem and Keizer plan rely on upzoning to meet needs in the developing residential and urban transition areas. However, upzoning standards are not clear and objective. The jurisdictions must either provide for a clear and objective upzoning process, or upzone applicable areas legislatively prior to termination of periodic review.

Salem policies which are not clear and objective may also be applicable to development decisions for all types of housing. To which decisions they apply should be clearly stated in the plan and ordinances (see Stotter v. City of Eugene, 18 Or LUBA 135(1989), and Murphy v. City of Ashland, 19 Or LUBA 182(1990)).

In order to comply with Periodic Review Factors One and Two, Goal 10, OAR 660-08-015, 020, and 025, and ORS 197.307, the Cities of Salem and Keizer, and Marion County and Polk County must:

- a. Adopt clear and objective approval processes and standards for upzoning lands to meet 20-year housing needs. Alternatively, the jurisdictions may upzone sufficient land to meet these needs in advance, and provide clear and objective review process for needed housing types.

The City of Salem must:

- b. Provide a schedule for applying specific plan designations to land needed for 20-year housing needs in the developing residential area, including resolution of public facility uncertainties that prevent application of specific zone districts.

SECTION B. CONSISTENCY WITH PERIODIC REVIEW REQUIREMENTS

Except for the issues discussed in Section A, the Salem and Keizer Area periodic review orders meet state requirements. The following findings outline the requirements of periodic review, and the findings from the local periodic review orders concerning these requirements.

FACTOR ONE

SUBSTANTIAL CHANGE IN CIRCUMSTANCES
(OAR 660-19-055(2)(a))

Substantial change in circumstances are defined in OAR 660-19-055(2)(a) and (3)(a) through (d) as follows:

- A. Major developments or events which have occurred that the acknowledged plan did not assume or anticipate or major developments or events which have not occurred that the acknowledged plan did assume or anticipate;
- B. Cumulative effects, resulting from amendments to and implementation of the acknowledged plan's factual base, map designations, and policies;
- C. Either an oversight or a decision by the local government to delay or not carry out plan policies which implement a statewide goal requirement;
- D. New inventory material, which affects a statewide goal issue, made available to the jurisdiction after acknowledgment; or,
- E. Consistency of the plan and land use regulations with new or amended statutes.

In addition to the five subfactors listed above, OAR 660-19-055(4) requires consideration of:

- F. "Other issues or objections involving the 'substantial' change in circumstances' factor..."

Response

The City of Salem considered the substantial changes in circumstances which have occurred since acknowledgment (final order, pages 1-1 through 9-1) and amended its plan and regulations addressing those changes.

The City of Keizer considered the substantial changes in circumstances which have occurred since acknowledgment (final order, pages 1-1 through 1-38) and amended its plan and regulations addressing those changes.

CONCLUSION-FACTOR ONE

Based on the findings in the City of Salem's periodic review order, the city satisfies the requirements of Factor One, except for the policy on urban growth boundaries, as described in Section A, above.

Based on the findings in the City of Keizer's periodic review order, the city satisfies the requirements of Factor One, except for the policy on urban growth boundaries, as described in Section A, above.

FACTOR TWO

NEW OR AMENDED GOALS OR RULES
ADOPTED SINCE THE DATE OF ACKNOWLEDGMENT
(OAR 660-19-055(2)(b))

Under this factor, the jurisdiction must address the following statewide planning goals and administrative rules which were amended since acknowledgment.

GOALSEFFECTIVE DATE

Goal 2	Land Use Planning 660-04-000	07/21/82
Goal 5	Natural Resources 660-16-000	06/29/81
Goal 9	Economic Development 660-09-000	Per. Rev.
Goal 10	Housing Rule 660-08-000	07/21/82
Goal 11	Public Facilities Rule 660-11-000	Per. Rev.

Response

The City of Salem has addressed the administrative rules on pages 10-1 through 13-2 of the final order.

The City of Keizer has addressed the administrative rules on pages 2-1 through 2-27 of the final order.

CONCLUSION-FACTOR TWO

Based on the findings in the City of Salem's periodic review order, the city satisfies the requirements of Factor Two, except for the Goal 9 rule on economic development and the Goal 10 rule on Housing, as described in Section A, above.

Based on the findings in the City of Keizer's periodic review order, the city satisfies the requirements of Factor Two, except for the Goal 9 rule on economic development and the Goal 10 rule on Housing, as described in Section A, above.

FACTOR THREE

**NEW OR AMENDED STATE AGENCY PLANS OR PROGRAMS
ADOPTED SINCE THE DATE OF ACKNOWLEDGMENT
(OAR 660-19-055(2)(c))**

Requirement

"The comprehensive plan or land use regulations are inconsistent with a state agency plan or program relating to land use that was not in effect at the time the local government's comprehensive plan was acknowledged, and the agency has demonstrated that the plan or program:

- (A) Is mandated by state statute or federal law;
- (B) Is consistent with the goals; and
- (C) Has objectives that cannot be achieved in a manner consistent with the comprehensive plan or land use regulation."

State agency programs that apply to the city were listed in the DLCD periodic review notice.

Response

The City of Salem has addressed the state agency programs listed in the department's periodic review notice on pages 14-1 through 14-5 of the final order.

The City of Keizer has addressed the state agency programs listed in the department's periodic review notice on pages 3-1 through 3-4 of the final order.

CONCLUSION-FACTOR THREE

Based on the findings referenced above, the City of Salem and the City of Keizer satisfy the requirements of Factor Three. The cities have amended their comprehensive plans and regulations to be consistent with state agency plans and programs.

FACTOR FOUR

ADDITIONAL PLANNING TASKS REQUIRED AT THE TIME OF
ACKNOWLEDGMENT OR AGREED TO IN RECEIPT OF STATE GRANT FUNDS
(OAR 660-19-055(2)(d))

Requirement

The city or county must do additional planning that:

- (a) Was required in the comprehensive plan or land use regulations at the time of initial acknowledgment or that was agreed to by the city or county in the receipt of state grant funds for review and update; and
- (b) Is necessary to make the comprehensive plan or land use regulations comply with statewide goals.

Response

Factor four does not apply to the City of Salem's periodic review.

The City of Keizer finds that no additional plan or code amendments are required under Factor Four (final order, page 4-1).

CONCLUSION-FACTOR FOUR

Factor Four does not apply. Neither city nor the department have found any issues under this factor.

OVERALL CONCLUSION: SECTION B

Except for the issues discussed above under Section A, the periodic review orders for the Cities of Salem and Keizer meet the requirements of periodic review.

IV. OVERALL CONCLUSION

The periodic review orders of the City of Salem and the City of Keizer do not adequately address Periodic Review Factors One and Two. The Director refers this periodic review to the Land Conservation and Development Commission with a recommendation that the local jurisdictions be required to amend their comprehensive plans and implementing ordinances in order to comply with Goals 2, 9, 10, and 14.

1. In order to comply with Periodic Review Factor One and Goals 2 and 14, the Cities of Salem and Keizer, Marion County and Polk County must:
 - a. Amend Regional Policy G.1 to state that amendments to the Salem/Keizer urban growth boundary (UGB) must be adopted concurrently by all four affected jurisdictions.
 - b. Amend Regional Policy G.3 to delete the following sentence: "This consideration does not include comparison of the proposed change with lands within the Salem/Keizer urban growth boundary."
 - c. Amend Regional Policy G to state that amendments to the Salem/Keizer UGB must be based on projections of land needs and the supply of buildable land within the whole urbanizable area.
 - d. Amend Regional Policy G.3 to include all of the seven factors of Goal 14.
2. In order to comply with Periodic Review Factor Two, Goal 2 and OAR 660-09-000 "Industrial and Commercial Development" the Cities of Salem and Keizer, and Marion County and Polk Counties must:
 - a. Adopt policies and implementing measures which regulate divisions of large industrial sites (i.e., 20, 40 and 80 acres) so that large sites provided under the recommendations of Project 90 remain available for their intended use.
 - b. Adopt measures which prevent the rezoning of large industrial sites in the UGB. Alternatively, jurisdictions may assure simultaneous replacement of rezoned large industrial sites, using surplus lands in other uses already in the UGB.
3. To comply with Periodic Review Factors One and Two, Goal 10, OAR 660-08-015, 020, and 025, and ORS 197.307, the Cities of Salem and Keizer, and Marion County and Polk County must:
 - a. Adopt clear and objective approval processes and standards for upzoning lands to meet 20-year housing



November 4, 2002

AGENDA ITEM 7C

ORDINANCE – Setting Water Rates

RESOLUTION – Adopting Methodology Used to Establish the Water Supply, Treatment and Distribution System Development Charge Improvement Fee

RESOLUTION – Establishing the System Development Charge Improvement Fee for the Keizer Water Supply Treatment and Distribution System

CITY COUNCIL MEETING: November 4, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS
THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER
FROM: E. SHANNON JOHNSON, CITY ATTORNEY
**SUBJECT: *RESOLUTIONS AND ORDINANCE FOR WATER RATES AND
SYSTEM DEVELOPMENT CHARGES***

At its last meeting, the Council directed our office to prepare the appropriate resolutions or ordinances for adoption of the new water rates and system development charges. The process for the water rates is by simple ordinance and that ordinance is attached to this staff report. Please note that the miscellaneous fees are also set forth in this Ordinance.

For system development charges, the process is somewhat different. The original ordinance granted the authority to the Council to adopt SDC methodology and rates. The actual methodology is adopted by resolution and the rates are adopted by a separate resolution. Therefore, those two resolutions are attached for your review.

RECOMMENDATION:

Adopt the attached Ordinance and Resolutions in the following order:

1. Ordinance Setting Water Rates (2002); Repealing Ordinance 2000-437.
2. Resolution Adopting Methodology Used to Establish the Water Supply, Treatment and Distribution System Development Charge Improvement Fee; Repealing Resolution R91-519.1.
3. Resolution Establishing the System Development Charge Improvement Fee for the Keizer Water Supply, Treatment and Distribution System; Repealing Resolution R91-520.

1 BILL NO. _____

A BILL

ORDINANCE NO.

2

3

FOR

2002-_____

4

AN ORDINANCE

5

6

SETTING WATER RATES (2002); **REPEALING**
ORDINANCE 2000-437

7

The City of Keizer ordains as follows:

8

9

Section 1. WATER RATES. Water rates for the Keizer Water Department are
imposed as set forth on Exhibit "A" and by this reference incorporated herein.

10

11

Section 2. REPEAL OF ORDINANCE 2000-437 Ordinance No. 2000-437 is
hereby repealed.

12

13

Section 3. EFFECTIVE DATE. This Ordinance shall take effect beginning with
the February 2003 and all successive billings.

14

PASSED this _____ day of _____, 2002.

15

SIGNED this _____ day of _____, 2002.

16

17

Mayor

18

19

City Recorder

EXHIBIT "A"

Meter Charge - \$/Meter/Bi-Monthly

<u>Meter Size</u>	<u>Rate</u>
5/8 - 3/4"	\$ 7.51
1"	\$ 15.22
1-1/2"	\$ 29.44
2"	\$ 46.52
3"	\$ 86.39
4"	\$ 143.34
6"	\$ 285.67
8"	\$ 570.40

Volume Rate - \$/ccf

<u>Customer Class</u>	<u>Rate</u>
Single Family Residential	\$.96
Multiple Family	\$.58
Commercial	\$.76

Private Fire Protection - \$/Hydrant-Bi-Month

<u>Hydrant Size</u>	<u>Rate</u>
4"	\$ 30.02
6"	\$ 83.39
8"	\$ 175.12
10"	\$ 300.20

Miscellaneous Fees:

Service Fee	\$ 15.00
Shut off Processing Fee	\$ 30.00
After Hours Fee	\$ 75.00
Tampering Fee	\$ 30.00 (for each offense)
Removal of Meter Following Third Tampering Incident	Cost Plus 15%
Returned Check Fee	\$ 15.00
Fee for Three NSF Checks Within One Year	\$ 50.00

The Service Fee will be charged for all new accounts, account transfers, landlord/rentals and vacation accounts. The Service Fee will not be charged for customers voluntarily terminating service or moving out.

The Shut off Processing Fee will be charged for all accounts remaining unpaid as of the day of shut off, whether or not such meter is physically shut off.

The After Hours Fee will be charged to customers requesting water to be turned on after regular business hours. These fee does not apply to emergency calls.

The Tampering Fee will be charged to all customers whose water has been shut off if they turn the water back on themselves or otherwise tamper with the water meter or City water equipment.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2002-_____

3 **ADOPTING METHODOLOGY USED TO ESTABLISH THE WATER**
4 **SUPPLY, TREATMENT AND DISTRIBUTION SYSTEM**
5 **DEVELOPMENT CHARGE IMPROVEMENT FEE; REPEALING**
6 **RESOLUTION R91-519.1**

7 WHEREAS, ORS 223.309 requires that the City adopt a master plan which lists
8 the capital improvements that may be funded with the water supply, treatment and
9 distribution system improvement fee revenues and the estimated cost and timing for each
10 improvement in order to impose a system development charge; and

11 WHEREAS, ORS 223.304(2) requires that system development charge
12 improvement fees shall be established by ordinance or resolution setting forth a
13 methodology that considers the cost of projected capital improvements needed to
14 increase the capacity of the systems to which the fee is related and requires that the
15 methodology for establishing such fees shall be available for public inspection; and

16 WHEREAS, Resolution R91-519.1 adopted the methodology calculation of water
17 system development charges; and

18 WHEREAS, the Water Rate Task Force together with water rate consultants have
19 presented the Final Study Results for the Water Rates and Charges Study dated
20 September 16, 2002; and

21 WHEREAS, such Study proposes changes in the water rates and system
22 development charges;

1 NOW, THEREFORE,

2 BE IT RESOLVED by the City Council of the City of Keizer that the September
3 16, 2002 Water Rate and Charges Study is hereby formally adopted. In addition, all
4 supporting documents are formally adopted by the Council.

5 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the
6 Council may modify the water system master plan by resolution.

7 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the
8 Keizer water supply, treatment and distribution system development charge improvement
9 fee methodology is hereby adopted as set forth in Exhibit "A" attached and the
10 supporting documents.

11 PASSED this _____ day of _____, 2002.

12 SIGNED this _____ day of _____, 2002.

13

14

Mayor

15

16

City Recorder

10/18/2002 01:36 42588/1337 FCS GROUP

BLACK & VEATCH CORPORATION

MEMORANDUM

City of Keizer, Oregon
Water Rate Study

October 18, 2002

Impact on "Base Case" Water Rates of Proposed System Development Charge
(Revised Improvement Fee Component)

To: Mr. Rob Kissler
Public Works Director

From: Karyn Johnson, FCS Group
Jake Boomhouwer, Black & Veatch

Per your request, we have evaluated the impact of proposed system development charges (SDCs) on the "Base Case" water rates as presented in the draft water rate study report, dated May 2002. Base Case water rates reflect projected SDC revenue under existing SDC levels (\$300 per equivalent residential unit).

This side analysis involved running an alternative scenario assuming implementation of the "improvement fee" portion of the revised proposed SDCs. The proposed improvement fee portion of the SDC as originally presented in the draft report was \$1,255/ERU. Based on City-requested changes to assumptions for SDC-eligible projects, the revised improvement fee is \$712/ERU. Revisions to the original SDC analysis include the following:

- McNary Well Capacity Expansion changed from 100% SDC eligible to 100% non-SDC eligible
- Bair Park Standpipe & Pumpstation changed from 100% SDC eligible to 20% SDC eligible and 80% non-SDC eligible
- Project 8 & 9, 10-12" Extension-Looping changed from 50% SDC eligible to 100% non-SDC eligible

The Base Case analysis assumed funding of the capital improvement program through a combination of SDC revenues, cash-financing from rates, and revenue bonds. The alternative scenario analysis assumes the same level of cash-financing as the Base Case (\$400,000/year) and using the additional SDC revenues to offset the proposed bond issues.

Revenue bonds under the Base Case were proposed at \$1 million in 2003, \$1.3 million in 2005, and \$2 million in 2007.

Under the alternative scenario, SDCs are projected to generate an additional \$245,000 (or \$24,500/year) in revenue over the 10-year study period. This results in a reduction of proposed bond sales to \$1.2 million in 2005 and \$1.85 million in 2007. The proposed 2003 \$1 million revenue bond remains the same.

The following table summarizes the comparison of indicated annual system-wide rate adjustments for the Base Case and the alternative scenario.

Fiscal Year Ending June 30	Base Case (Existing SDCs) \$300/ERU	Alternative (Proposed Improvement Fee) \$712/ERU
	%	%
2003	18.0	18.0
2004	4.5	4.5
2005	4.0	3.5
2006	4.0	4.5
2007	5.0	4.5
2008	5.0	4.5
2009	3.5	3.5
2010	1.5	1.5
2011	1.0	1.5
Cumulative	56.0	55.0

The small impact on indicated rate adjustments (1% savings over 10 years) is a result of the nominal projected customer growth over the study period (0.75%/year).

For informational purposes, the original proposed improvement fee of \$1,255/ERU would have resulted in a 3% savings over the 10-year period.

If you have any questions or comments, please call me directly at (425) 867-1802 or email me at kayni@fcsgroup.com. You may also reach Jake Boomhouwer at (206) 224-4678.

BLACK & VEATCH CORPORATION

MEMORANDUM

City of Keizer, Oregon
Water Rate Study

July 10, 2002

Impact on "Base Case" Water Rates of Alternative System Development Charge Scenarios

To: Mr. Rob Kissler
Public Works Director

From: Karyn Johnson, FCS Group
Jake Boomhouwer, Black & Veatch

Per your request, we have evaluated the impact of alternative levels of system development charges (SDCs) on the "Base Case" water rates as presented in the draft water rate study report, dated May 2002. Base Case water rates reflect projected SDC revenue under existing SDC levels (\$300 per equivalent residential unit).

This side analysis involved running two alternative scenarios for updated SDCs. Scenario 1 assumes implementation of the "improvement fee" portion only of the updated SDCs as presented in the draft report (\$1,255/ERU). Scenario 2 assumes implementation of the full amount of the calculated SDC (\$1,984/ERU), which includes both the "reimbursement fee" portion and the "improvement fee" portion.

The Base Case analysis assumed funding of the capital improvement program through a combination of SDC revenues, cash-financing from rates, and revenue bonds. The alternative scenario analysis assumes the same level of cash-financing as the Base Case (\$400,000/year) and using the additional SDC revenues to offset the proposed bond issues.

Revenue bonds under the Base Case were proposed at \$1 million in 2003, \$1.3 million in 2005, and \$2 million in 2007.

Under Scenario 1, SDCs are projected to generate an additional \$661,000 (or \$66,000/year) in revenue over the 10-year study period. This results in a reduction of proposed bond sales to \$.8 million in 2003, \$1.2 million in 2005, and \$1.65 million in 2007.

Under Scenario 2, SDCs are projected to generate an additional \$1.22 million (or \$122,000/year) in revenue over the 10-year study period. This results in a reduction of proposed bond sales to \$.6 million in 2003, \$1.2 million in 2005, and \$1.3 million in 2007.

The following table summarizes the comparison of indicated annual system-wide rate adjustments for the Base Case and the two additional scenarios.



Fiscal Year Ending June 30	Base Case (Existing SDCs)	Scenario 1 (Improvement Fee Only)	Scenario 2 (Total Calculated Charge)
	%	%	%
2003	18.0	17.5	17.5
2004	4.5	4.0	3.0
2005	4.0	4.0	4.0
2006	4.0	4.0	4.0
2007	5.0	4.5	4.5
2008	5.0	4.0	4.0
2009	3.5	4.0	2.5
2010	1.5	1.0	2.0
2011	1.0	1.5	1.0
Cumulative	56.0	53.0	50.0

The relatively small impact on indicated rate adjustments is a result of the nominal projected customer growth over the study period (0.75%/year).

If you have any questions or comments, please call me directly at (425) 867-1802, ext. 241 or email me at karyni@fcsgroup.com. You may also reach Jake Boomhouwer at (949) 788-4201 or (206) 224-4678.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2002-_____

3 ESTABLISHING THE SYSTEM DEVELOPMENT CHARGE
4 IMPROVEMENT FEE FOR THE KEIZER WATER SUPPLY,
5 TREATMENT AND DISTRIBUTION SYSTEM; **REPEALING**
6 **RESOLUTION R91-520**

7 WHEREAS, the City has adopted an ordinance imposing a Keizer water supply,
8 treatment and distribution system development charge and has adopted a resolution
9 establishing the methodology for determining the system development charge
10 improvement fee; NOW, THEREFORE,

11 BE IT RESOLVED by the City Council of the City of Keizer that based upon
12 adopted methodology, the system development charge improvement fee for the Keizer
13 water supply, treatment and distribution system shall be determined by a meter
14 equivalency index as set forth in Exhibit "A" attached and by this reference incorporated
15 herein. The charges shall be adjusted annually as set forth in Exhibit "B" attached and
16 by this reference incorporated herein.

17 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that this
18 resolution shall be effective forty-five (45) days after passage.

19 PASSED this _____ day of _____, 2002.

20 SIGNED this _____ day of _____, 2002.

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Mayor

City Recorder

EXHIBIT "B"
(ADJUSTMENT FACTOR)

Notwithstanding any other provision, the dollar amounts of the SDC shall be adjusted on January 1st of each year (beginning January 1, 2004) to account for changes in the costs of acquiring and constructing water facilities. The adjustment factor shall be based on the change in average market value of undeveloped land in the City, according to the records of the County Tax Assessor, and the change in construction costs according to the Engineering News Record (ENR) Northwest (Seattle, Washington) Construction Cost Index; and shall be determined as follows:

$$\begin{array}{r} \text{Change in Average Market Value X 0.50} \\ + \text{Change in Construction Cost Index X 0.50} \\ \hline = \text{System Development Charge Adjustment Factor} \end{array}$$

The System Development Charge Adjustment Factor shall be used to adjust the Water System Development Charge, unless it is otherwise adjusted by the City Council based on a review of revenues and rates or adoption of an updated methodology.



November 4, 2002

AGENDA ITEM 8a

**RESOLUTION – INITIATING WINDSOR WOODS STREET LIGHTING
DISTRICT**

COUNCIL MEETING: November 4, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: TRACY L. DAVIS, CMC
CITY RECORDER** *Tracy*

**SUBJECT: INITIATING WINDSOR WOODS (1 AND 2) SUBDIVISION STREET
LIGHTING LOCAL IMPROVEMENT DISTRICT**

ISSUE:

Shall the City Council initiate Windsor Woods (1 and 2) Subdivision Street Lighting Local Improvement District?

DISCUSSION:

A petition was filed on October 18th, 2002 by the developer of Windsor Woods (1 and 2) Subdivision to form a local improvement district for street lights in this area of Keizer. The petition contained the required signatures of the property owner as outlined by City of Keizer Ordinance 94-278.

RECOMMENDATION:

It is recommended that the City Council approve the Resolution initiating Windsor Woods (1 and 2) Subdivision Street Lighting Local Improvement District and direct the City Engineer to prepare a survey of the area.

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Resolution R2002-_____

**DECLARING THE CITY'S INTENT TO INITIATE A STREET LIGHTING
LOCAL IMPROVEMENT DISTRICT (WINDSOR WOODS (1 AND 2)
SUBDIVISION) AND DIRECTING THE CITY ENGINEER TO MAKE A SURVEY
AND FILE A WRITTEN REPORT WITH THE CITY RECORDER**

WHEREAS, the City Council of the City of Kelzer has received a petition from the developer to initiate a street lighting district in Windsor Woods (1 and 2) Subdivision in the City of Kelzer, Oregon; and

WHEREAS, pursuant to City of Keizer Ordinance 94-278, the necessary signatures of land owner comprising two-thirds of the property to be included within Windsor Woods (1 and 2) Subdivision Street Lighting District have requested the formation of the district; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that:

1. The City Council declares its intent to initiate Windsor Woods (1 and 2) Subdivision Street Lighting Local Improvement District;
2. The map attached hereto, marked Exhibit "A", and by this reference incorporated herein sets forth the proposed boundaries of the district;
3. The City Engineer is hereby directed to make a survey of the District;
4. The City Engineer shall file a written report with the City Recorder to be considered by the City Council on November 18, 2002.

PASSED this _____ day of _____, 2002.

SIGNED this ____ day of _____, 2002.

Mayor

City Recorder

PETITION TO FORM LOCAL IMPROVEMENT DISTRICT FOR STREET LIGHTING

To the City Council for the City of Kelzer:

The undersigned being the owner or contract purchaser of the described property hereinafter set opposite my or its name, hereby petition the Kelzer City Council to form a STREET LIGHTING LOCAL IMPROVEMENT DISTRICT for:

Windsor Woods & Windsor Woods Phase 2

within the City of Kelzer.

The legal description of the proposed district is:

Sec 33 & 34, T 6 S, R 3 W, W.M.

PLEASE ATTACH A MAP OF THE AREA

This petition to form this district is in conformity with the charter, ordinances and regulations of the City of Kelzer.

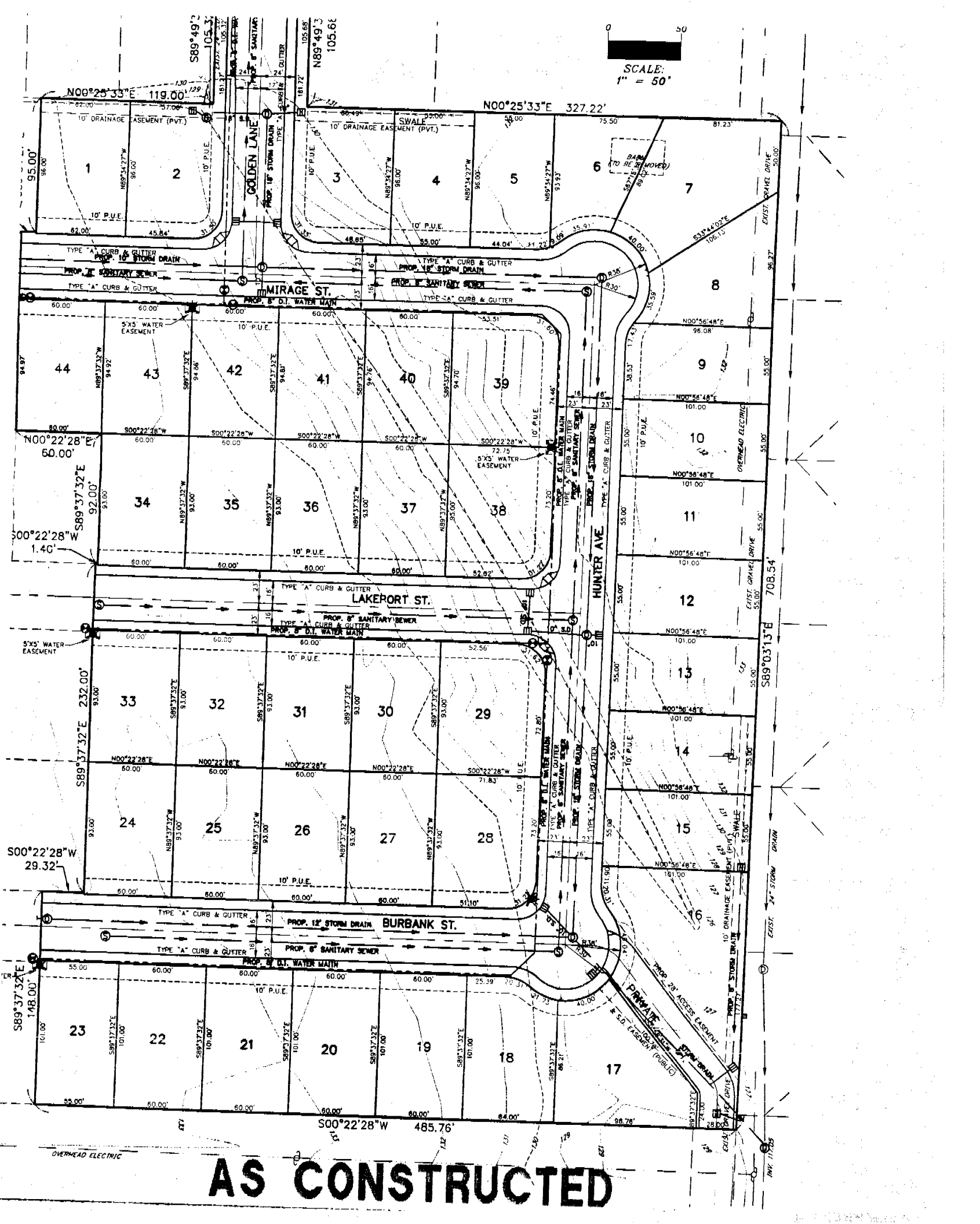
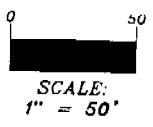
PETITION SUBMITTED BY:

NAME: Bob Cavell Pro-Construct, LLC

ADDRESS: 879 Cottage Street NE Salem, OR 97303

PHONE NUMBER: (503) 932-6060

DATE	DEED HOLDER/CONTRACT BUYER	SIGNATURE	ADDRESS OF PROPERTY (IF VACANT - LOT NUMBER/SECTION)
10/17/02		Bob Cavell	



AS CONSTRUCTED



November 4, 2002

AGENDA ITEM 8b

**RESOLUTION – APPROVAL OF RICKMAN CROSSING STREET
LIGHTING DISTRICT**

COUNCIL MEETING: November 5, 2001

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: TRACY L. DAVIS, CMC
CITY RECORDER** *Tracy*

**SUBJECT: RICKMAN CROSSING STREET LIGHTING LOCAL IMPROVEMENT
DISTRICT**

ISSUE:

Upon review of the City Engineer's report filed for Rickman Crossing Street Lighting Local Improvement District, should City Council adopt a Resolution approving this report - or amend and approve the report as amended - and set a public hearing date to receive remonstrances to the project; or, in the alternative, abandon formation of the district.

BACKGROUND:

On September 16, 2002, the City Council adopted Resolution R2002-1359 declaring the City's intent to initiate Rickman Crossing Street Lighting Local Improvement District and directing the City Engineer to make a survey and file a written report with the City Recorder. This Council action was taken in response to a petition from the developer requesting the formation of a lighting district in this area.

FISCAL IMPACT:

The costs for establishing the district in the first year include a fee for the engineers report and an administrative fee to cover the costs for advertising and staff time in establishing the district. The City receives reimbursement from the property owners for these costs and the actual electricity used through assessments placed on the tax rolls. All activity is budgeted through the Street Lighting District Fund.

RECOMMENDATION:

It is recommended City Council adopt a Resolution approving the City Engineer's Report and set the public hearing date for November 18, 2002 to consider remonstrances and other comments on the district's formation and objections to proposed assessments, and directing the City Recorder to provide notice of public hearing.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2002-_____

**APPROVING THE CITY ENGINEER'S REPORT; DECLARING
THE CITY'S INTENT TO FORM RICKMAN CROSSING STREET LIGHTING LOCAL
IMPROVEMENT DISTRICT; PROVIDING NOTICE AND SETTING HEARING**

BE IT RESOLVED by the City Council of the City of Keizer, Oregon:

Section 1. That the City Council hereby finds the City Engineer's Report, marked as exhibit "A" and by this reference incorporated herein, containing preliminary plans and an estimate of probable costs for Rickman Crossing Street Lighting Local Improvement District which was filed with the City Recorder on October 29, 2002 to be satisfactory, and the same are hereby approved and adopted.

Section 2. That the City Council hereby declares its intention to form Rickman Crossing Street Lighting Local Improvement District and to make the lighting district improvements to serve Rickman Crossing Street Lighting Improvement District.

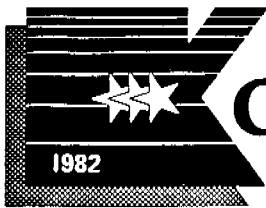
Section 3. That the City Council hereby directs the City Recorder to give notice of its intention to form Rickman Crossing Street Lighting Local Improvement District and to make the improvements by sending notice to the property owners within the district stating a public hearing will be held on November 18, 2002, said notice to also provide that information required under City of Keizer Ordinance 94-278, an ordinance providing for procedures for municipal lighting districts and special assessments.

PASSED this ____ day of _____, 2002.

SIGNED this ____ day of _____, 2002.

Mayor

City Recorder



City of Keizer

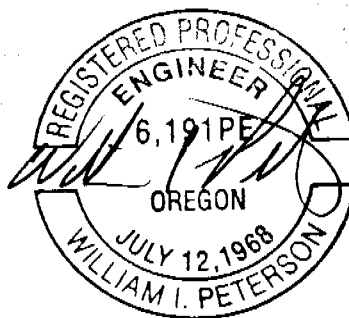
Phone: (503) 390-3700 • Fax: (503) 393-9437

930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

Administration • Public Works • Community Development • Municipal Court • Police (business only) Phone 503.390.3713 Fax 503.390.8295

ENGINEER'S REPORT
FOR
RICKMAN CROSSING PLANNED UNIT DEVELOPMENT
STREET LIGHTING DISTRICT

For City Council Action November 4, 2002



Renewal date: December 31, 2002

PREPARED BY:
Peterson Eng. Consultants, Inc.
4300 Cherry Ave. N
Keizer, OR 97303
(503) 390-7402

Date: October 16, 2002

Project File: 0792

“Pride, Spirit and Volunteerism”

Incorporated 1982



TO: The Hon. Mayor and City Council

FROM: City Engineer's Office

SUBJECT: Street Lighting District for Rickman Crossing Planned Unit Development

Authority and Purpose: This report is submitted in accordance with the requirements of City of Keizer **Ordinance No. 94-278** and Council **Resolution 2002-1359** for the purpose of creating the subject Street Lighting District.

District Boundaries and Map: A Map of the proposed District is attached showing the areas benefitted by the street lights proposed to be installed.

Lighting Plan The lighting improvements will consist of 3, 100 Watt, high pressure sodium, Durastar 2000 luminaires mounted on 4 foot long mast arms and attached to 30 foot gray fiberglass poles. This design is selected to be consistent with adjacent lighted areas. It is recommended that installation be accomplished by the following method:

Portland General Electric (PGE) would supply, install and maintain the luminaires, poles and underground or overhead wiring. PGE would also supply the electrical power to the District.

Estimated Costs:

Initial Cost and Annual costs -

3 Poles & 100 Watt luminaires @ \$11.22 per month each x 12 mos. =	\$403.92
Administrative Fee @ \$6.90/Lot:	69.00
Engineering @ \$14.00/Lot:	140.00
Total Assessment	<u>\$612.92</u>
(1)Per Lot Assessment (First Year, 10 Lots)	\$61.29

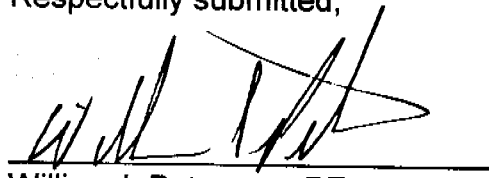
(1) Includes tax roll preparation, audit, delinquencies and miscellaneous administrative costs to the City as authorized by Res. 94-716.

Method of Assessment: It is recommended that the costs be assessed on a per lot basis to each parcel in the district.

The first year assessment would include the one time costs for District formation and engineering. Subsequent years assessments would reduce to \$40.39 per lot.

Assessment Roll: The attached preliminary assessment roll identifies the benefitted properties and the first year assessments to be levied against each.

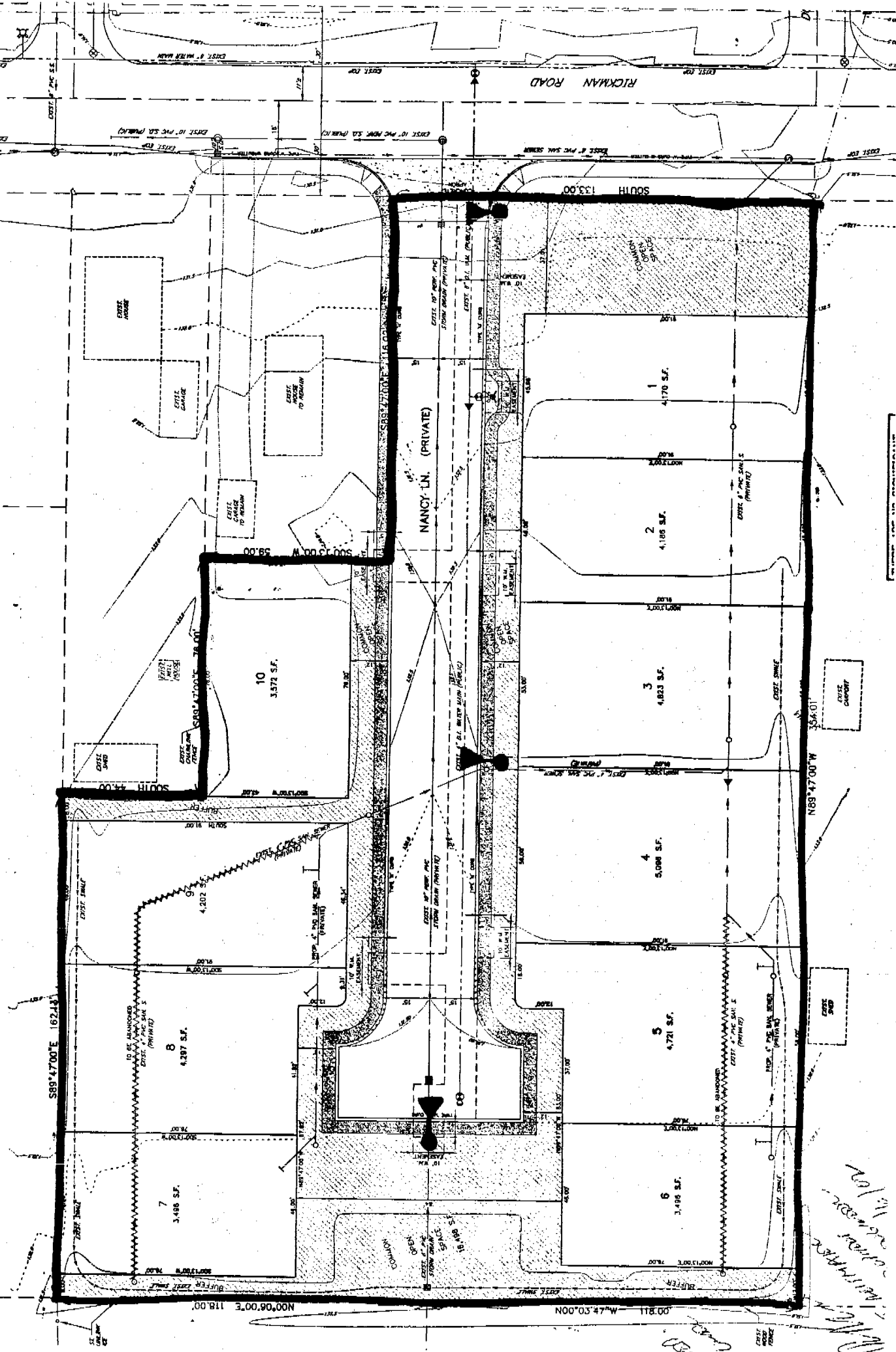
Respectfully submitted,



William I. Peterson, PE

TOTAL SITE AREA	68,041 S.F.
TOTAL OPEN SPACE	16,498 S.F.
DRIVEWAY AREA	2,812 S.F.
NET OPEN SPACE	13,686 S.F.

Exist Street Light





November 4, 2002

AGENDA ITEM 8C

REQUEST FOR PROPOSALS – SALARY COMPENSATION STUDY

CITY COUNCIL MEETING: November 4, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS
THRU: CHRIS EPPLEY, CITY MANAGER
FROM: DIANNE HUNT, HUMAN RESOURCES DIRECTOR
SUBJECT: COMPENSATION SURVEY – REQUEST FOR PROPOSALS

BACKGROUND:

The City's Compensation Policy states:

“...It is the policy of the City of Keizer to provide a compensation package, that includes salary and benefits, which is consistent and fair for represented and unrepresented employees (within the constraints of ratified union contracts) and is a wise use of taxpayer funds.

Salary surveys for all classifications will be performed on a schedule of no less than every three (3) years.

All salary surveys will be conducted by an independent contractor selected by the Council through the RFP process...”

The Compensation Policy in its entirety is included as Appendix ‘C’.

The last Salary Survey completed for all classifications was conducted in February 2000 by Hire by Design, a human resources consulting firm. A follow-up survey was conducted in December 2000 to clarify challenged salaries. The recommendations made in Hire by Design's reports for salary and range adjustments were implemented in January and July of 2001.

Staff recommends the compensation study be initiated at this time. A Request for Proposal has been prepared and is attached for your review.

The intent is to have this information available for discussion during the 2003-04 budget process. In addition, the contracts for the City's two collective bargaining units, Keizer Police Association and Public Works Laborers International Union of North America, Local 320, expire on June 30, 2003. The salary and benefit information gathered during this compensation survey will be used during negotiations.

The following time frame was developed to ensure the information is obtained prior to the 2003-04 budget process and union negotiations. Council is scheduled to approve the contract at the January 6, 2003 meeting.

◆ Distribution of Request for Proposals	November 6, 2002
◆ Final Proposals Due by 3:00 p.m.	December 13, 2002
◆ Evaluate Proposals	December 16-18, 2002
◆ Interviews (if necessary) Conducted by	December 16, 2002
◆ Deadline to complete contract terms	December 30, 2002
◆ Present Contract to Council for approval	January 6, 2003
◆ Conduct Survey	January 6 – 31, 2003
◆ Expected Date for Submittal of Draft Final Report	February 7, 2003
◆ Expected Date for Submittal of Final Report	February 13, 2003
◆ Final Report submitted to City Council	February 17, 2003

FISCAL IMPACT:

Telephone calls were made to three human resources consulting firms, Local Government Personnel Institute, the personnel section for League of Oregon Cities, Cascade Employers Association and HR Northwest, to ascertain the potential cost of the compensation study. Based upon the quotes received, \$7,000 was appropriated for the 2002-03 fiscal year.

RECOMMENDATION:

It is recommended Council direct staff to proceed with the Request for Proposal process.

REQUEST FOR PROPOSAL

CITY OF KEIZER, OREGON CONSULTING SERVICES FOR COMPARATIVE COMPENSATION STUDY



**Proposals Due By
3:00 p.m. December 13, 2002**

Issued by

**City of Keizer
Human Resources Department
930 Chemawa Road N.E.
Keizer, Oregon 97303
(503) 390-3700**

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- III. Project Background**
- IV. Scope of Work**
- V. Proposal instructions**
- VI. Requirements of Proposal**
- VII. Schedule for Project**
- VIII. Proposal Submittal**
- IX. Appendix**
 - A. Sample Professional Services Contract**
 - B. The Benefits Program**
 - C. The Compensation Policy**



I. Overview

The City of Keizer is seeking proposals from human resources compensation consultants to provide professional services to the City in the completion of a compensation study for all positions. The compensation study is expected to start January 6, 2003, with a desired completion date of January 31, 2003.

II. City Background

The City of Keizer, Oregon was incorporated in and currently has an estimated population of 33,000. The City is bordered on the western edge by the Willamette River, southern edge by the city of Salem, eastern edge by Interstate 5, and the northern edge by rural portions of Marion County. Keizer is approximately 35 miles south of Portland.

The City of Keizer operates under a Council-Manager form of government. The City Council consists of a Mayor and six Councilors. The Mayor's term runs two years and the Councilors serve four-year staggered terms. The City Manager is the administrative head of city government and is appointed by the City Council.

Presently there are 78 city employees working in seven departments: Administration, Finance, Human Resources, Public Works, Community Development, Municipal Court and Police Services. All departments are lead by a department director. The City has 32 classifications – 23 classifications for non-represented employees and 9 classifications for represented employees, and an annual personal services budget of \$5,452,061.

There are two labor unions representing police and public works – Keizer Police Association representing 34 employees and Construction and General Laborers' Union, Local Number 320 representing 10 Public Works utility workers. The remaining regular employees are not represented. Any changes in salary or total compensation for represented employees must be negotiated with their authorized representatives.

III. Project Background

The City's Compensation Policy states:

It is the policy of the City of Keizer to provide a compensation package, that includes salary and benefits, which is consistent and fair for represented and unrepresented employees (within the constraints of ratified union contracts) and is a wise use of taxpayer funds.

The Compensation Policy requires:

1. Salary surveys for all classifications will be performed on a schedule of no less than every three (3) years.
2. Individual classifications may be surveyed by request of the majority of incumbents within that classification in intervals of no less than twelve (12) months. Individual classifications may also be surveyed at the discretion of the City Manager.
3. All salary surveys will be conducted by an independent contractor selected by the Council through the RFP process. Surveys will compare position descriptions and duties.
4. These comparables, based on jurisdictions that are within the recruitment basin who are considered viable recruitment competition, and/or which have comparable size, will be:

Albany	Milwaukie	State of Oregon
Lake Oswego	Newberg	Tigard
Marion County	Oregon City	Tualatin
McMinnville	Salem	Woodburn

The Compensation Study shall include a comparison of salaries and benefits, for a total compensation package study.

The chosen consultant will be provided a folder with the following information:

- ◆ 2002-03 Salary Schedule
- ◆ Most recent job descriptions
- ◆ Concerns/issues that managers would like the consultant to address

IV. Scope of Work

The consultant shall conduct the study under the following guidelines:

- ◆ Conduct at least one meeting with each department manager to insure his/her classification and compensation concerns are addressed.
- ◆ Review the current classification system by examining job descriptions and classification specifications to determine accuracy and consistency.
- ◆ Determine which classifications and duties are to be used for market survey and analysis. The duties must be compared to classifications within the comparable cities having similar duties and responsibilities, taking into consideration the unique structure of our classifications, that is, duties that may fall into two separate classifications.
- ◆ Conduct compensation survey: collect data on compensation/benefits from comparable cities; analyze information; develop recommendations for appropriate pay structure and allocation of classifications to pay ranges.
- ◆ Recommend revision to existing salary schedule, if necessary.
- ◆ Recommend revisions, if any, to the City's compensation policies to reflect the changes recommended in the study.
- ◆ Establish a system to review compensation periodically.
- ◆ Provide updates to the Human Resources Director every two weeks until completed.
- ◆ Allow for a review of the final draft by representatives of the City before a final report is completed.

V. Proposal Instructions

The following instructions apply to the City of Keizer's RFP for Compensation Study.

- 1. Required Information.** Each item in the following section, **Requirements of Proposal**, must be responded to, preferably, in the order requested. Incomplete proposals may be rejected as being unresponsive. The City reserves the right to waive minor defects or technicalities.
- 2. Interpretation and Amendment of RFP.** Interpretation of the RFP and amendments to the RFP may only be made by the City Manager or the Human Resources Director. Amendments may only be made in writing. Copies of amendments will be mailed to each person who has requested a copy of the RFP from the Human Resources Department.

3. **Public Record.** During the evaluation of proposals and the selection of the consultant, the proposals shall be confidential. After the selection process has been completed, the proposals shall be open to public inspection. Proposals should not contain any information that the consultant does not wish to become public. If it is necessary to submit confidential information in order to comply with the terms and conditions of this RFP, each page containing confidential information should be marked "NOT FOR PUBLIC DISCLOSURE CONFIDENTIAL TRADE SECRETS." The City accepts no liability for the inadvertent or unavoidable release of any confidential information submitted, and claims arising out of any public record request for such information shall be at the consultant's expense.
4. **Economy of Preparation.** Proposals should be prepared simply and economical, providing a straightforward, concise description of the consulting firm's capabilities to satisfy the requirements of the City. Emphasis should be on completeness, brevity, and clarity of content.
5. **Evaluation of Proposals.** Proposals will be evaluated by a committee of the City's choosing. The City reserves the right to accept or reject any or all bids. The decision of the City to accept or reject proposals will be final, and no appeal may be made therefrom. Recommendations will be based upon a combination of experience, qualifications, capabilities of the consulting firm, scope and cost of services offered, and references. The criteria will be given equal consideration in selecting a consultant.
6. **Pre-bid Costs.** Any costs associated with bid preparation, pre-bid conferences, selection interviews, and any other consultant activity prior to award of a contract shall be at the consultant's expense.
7. **Acceptance of Proposal Content.** The contents of the proposal become contractual obligations upon acceptance of the proposal by the City and notice to the successful consulting firm thereof. Failure of the successful consulting firm to accept those obligations may result in the cancellation of the award. If any information in the proposal is falsified, automatic cancellation is the City's option.
8. **Contract Form.** A sample of the City's Professional Services Contract form is included in this RFP (See **Appendix A**). When a proposal is accepted by the City, it is anticipated that the final contract will closely resemble this sample. Attachments will include this RFP, the consulting firm's proposal, and insurance documentation. Any exceptions or objections to the contract must be noted in the proposal.
9. **Selection/Interviews.** It is the intent of the City to select from the proposals submitted. Interviews of selected consulting firms may be held at the City's option. The City may negotiate the contract terms (which shall be in substantially the same format as the attached sample agreement) with the selected consultant. The City may also reject any or all proposals.

10. Eligibility and Minimum Qualifications of Consulting Firms. The ability to listen, to communicate effectively, to integrate viewpoints, to synthesize information, and to provide recommendations and guidelines that are responsive to the City's culture are important qualifications of the consultant selected for this project. In order to be eligible to submit a proposal in response to this RFP, consulting firm must have the following minimum qualifications:

- (a) Three years experience providing services similar to those described in this RFP.
- (b) Experience providing services similar to those described in this RFP in a public sector organization of similar or larger size.
- (c) Consulting experience in workplaces with labor union representation.
- (d) Familiarity with Senate Bill 750 and how it affects overall compensation and selection of comparable.
- (e) **Insurance coverage.** Evidence of Professional Liability insurance in the amount of \$50,000 and the ability to add the City of Keizer as an additional insured.

VI. Requirements of Proposal

Proposals must include, at a minimum, the following:

- 1. The name of the firm followed by the name and signature of the officer authorized to negotiate and sign any contract which may result. The address of the office that will be providing the service, the telephone number, fax number, federal and state tax ID numbers, and state of incorporation, if applicable.
- 2. Verification that the proposer is a resident proposer as defined in ORS 279.029, of the State of Oregon, and is in compliance with all Oregon tax laws described in ORS 305.380(4).
- 3. A brief overview of the history and structure of the firm. Attach an organizational chart of the office that will be providing the service to the City.
- 4. A brief resume outlining the experience and qualifications of the person who would be directly responsible for this project. Indicate the number of other projects that will be managed by this person during the time s/he would be managing this project.
- 5. A listing of other individuals on the team that would support the completion of this project, with a summary of each team's member's area of responsibility, expertise, experience and qualifications for this work.
- 6. A description of the consultant's approach and methodology to researching and making recommendations. Describe the tests and standards to be used in performing the work.

be completed in a shorter time frame than the Schedule for Project Section outlines, please indicate the proposed schedule.

8. Description of consultant's capacity to complete the work within the required time.
9. A description of the range of services the firm can provide, the baseline services that are proposed to the City to complete this project, and the cost thereof. In order to better recognize costs for management purposes, the City prefers to compensate the consulting firm on the following basis:
 - ◆ A guaranteed maximum or flat fee for a package of baseline services necessary to complete the scope of work. Provide a detailed breakdown of the services to be provided for the guaranteed maximum.
 - ◆ An hourly fee schedule for optional services plus a guaranteed maximum.
10. A list of the last three projects Consultant has conducted relative to compensation plans complete with summaries of that work demonstrating the ability to conduct this project. Please include the name, address, phone number and fax number of the contact person for each reference. Other projects the Consultant has conducted may also be included.
11. A description of any other facets of the firm and its experience that are relevant to this RFP that have not been described previously that the City should take into consideration in the selection process.

VII. Schedule for Project

◆ Distribution of Request for Proposals	November 6, 2002
◆ Final Proposals Due by 3:00 p.m.	December 13, 2002
◆ Evaluate Proposals	December 16-18, 2002
◆ Interviews (if necessary) Conducted by	December 24, 2002
◆ Deadline to complete contract terms	December 30, 2002
◆ Present Contract to Council for approval	January 6, 2003
◆ Conduct Survey	January 6 – 31, 2003
◆ Expected Date for Submittal of Draft Final Report	February 7, 2003
◆ Expected Date for Submittal of Final Report	February 13, 2003
◆ Final Report submitted to City Council	February 17, 2003

VIII. Proposal Submittal

Dianne Hunt, Human Resources Director, will lead the project for the City of Keizer. A review committee of the City's choosing will evaluate proposals received in response to this RFP. The review committee results and recommendations will be presented to the City Council, who will make the final recommendation.

Submit one (1) original and three (3) copies of the proposal, in a sealed envelope clearly marked, **"Proposal for Compensation Study."**

Proposals will only be accepted by mail, personal delivery or overnight courier service. Proposals must be received by **3:00 p.m., Friday, December 13, 2002.** Submissions received after that date and time will not be accepted or considered.

Deliver proposals to:

**Dianne Hunt
Human Resources Director
City of Keizer
930 Chemawa Road N.E.
P.O. Box 21000
Keizer, OR 97307-1000**

An interview/oral presentation may be required of some or all of the prospective consultants whose proposals are under consideration. Prospective consultants may be informed that an interview/presentation is desired and will be notified of the date and time that the interview/presentation is to be conducted.

The City of Keizer reserves the right to reject any or all proposals received and to negotiate with any or all prospective contractors on modification of proposals.

Refer questions to Dianne Hunt at hunt@d@keizer.org, Phone: (503) 390-3700 or Fax: (503) 393-9437.

APPENDIX 'A'

PROFESSIONAL SERVICES CONTRACT

THIS AGREEMENT made this ____ day of _____, 2002, by and between the city of **Keizer, Oregon**, a municipal corporation (hereinafter referred to as "City"), and _____, an independent contractor, hereinafter called "Consultant".

WHEREAS City wishes to employ the services of Consultant to prepare a Comparative Compensation Study; and

WHEREAS Consultant wishes to serve in that capacity; and

WHEREAS City and Consultant believe it is important to define this relationship under a contractual format to provide for a clear understanding of the terms and conditions of their agreement in this Professional Services Contract ("Contract").

THEREFORE City and Consultant hereby agree to the following terms and conditions:

- 1. EFFECTIVE DATE AND DURATION.** This Contract shall become effective on the date shown above. Unless earlier terminated, this Contract shall remain in full force and effect until _____. This Contract may be reevaluated and renewed if agreeable by all parties mentioned above.
- 2. SCOPE OF WORK.** The Consultant shall act as a classification and compensation consultant to the City.
 - 2.1** The Consultant shall conduct the study under the following guidelines:
 - ◆ Conduct at least one meeting with each department manager to insure his/her classification and compensation concerns are addressed.
 - ◆ Review the current classification system by examining job descriptions and classification specifications to determine accuracy and consistency.
 - ◆ Determine which classifications and duties are to be used for market survey and analysis. The duties must be compared to classifications within the comparable cities having similar duties and responsibilities, taking into consideration the unique structure of our classifications, that is, duties that may fall into two separate classifications.
 - ◆ Conduct compensation survey: collect data on compensation/benefits from comparable cities; analyze information; develop recommendations for appropriate pay structure and allocation of classifications to pay ranges.
 - ◆ Recommend revision to existing salary schedule, if necessary.
 - ◆ Recommend revisions, if any, to the City's compensation policies to reflect the changes recommended in the study.

- ◆ Establish a system to review compensation periodically.
- ◆ Provide updates to the Human Resources Director every two weeks until completed.
- ◆ Allow for a review of the final draft by representatives of the City before a final report is completed.

3. COMPENSATION.

City shall pay Consultant fees relating to Consultant's performance under this Contract, as follows:

3.1 A guaranteed maximum or flat fee for a package of baseline services necessary to complete the scope of work.

3.2 Consultant shall submit monthly billings for work performed. The billings shall describe all work performed. Billings are to be made to the City in three (3) equal amounts with the final payment held until acceptance of final report. Optional services should be detailed and billed on a monthly basis with particularity, by whom it was performed and shall itemize and explain all expenses for which reimbursement is claimed, including the date and manner in which City rendered its prior authorization for such reimbursement. No payment will be made for any services performed before the beginning date and after the expiration date of this Contract.

3.3 City shall pay Consultant for the amount billed each month within thirty (30) days after receiving Consultant's billing. City shall not pay any amount in excess of the compensation amounts set forth above nor shall City pay consultant any fees or costs which City reasonably disputes or which Consultant fails to provide in the proper format and manner as required under paragraph 3.2.

4. CHANGES. Neither this Contract, including any of the contract documents, shall be waived, altered, modified, supplemented, extended or amended, in any manner whatsoever, except by written instrument, executed by both parties.

5. INDEPENDENT CONTRACTOR STATUS. Consultant shall be free from direction and control over the means and manner of providing the labor or service, subject only to the specifications of the desired results. Consultant is responsible for obtaining all assumed business registrations or professional occupational licenses required by state or local law. Consultant shall furnish the tools or equipment necessary for the contracted labor or services.

5.1 Consultant agrees and certifies that

5.1.1 Consultant is engaged as an independent contractor and will be responsible for any federal or state taxes applicable to any payments made under this Contract.

5.1.2 Consultant is not eligible for any federal social security, unemployment insurance payments. Consultant is not eligible for any PERS or workers' compensation benefits from compensation or payments made to Consultant under this Contract.

5.1.3 Consultant has filed federal and state income tax returns in the name of the business as part of the personal income tax return, for the previous year, for labor or services performed as an independent contractor in the previous year.

5.1.4 Consultant agrees and certifies that it is a corporation in good standing and licensed to do business in the State of Oregon.

6. **PROFESSIONAL LIABILITY INSURANCE.** Consultant shall provide city evidence of professional liability insurance in the amount of not less than \$50,000 combined single limit. Consultant shall keep in force and effect the professional liability policy throughout the duration of this Contract.
7. **CONFIDENTIALITY.** No reports, information and data given to or prepared or assembled by Consultant under the Contract documents shall be made available to any individual or organization, except City of the applicant, by Consultant without the prior written approval of City.
8. **TERMINATION.** The Contract may be terminated by the mutual consent of both parties, or by either party upon thirty (30) days' written notice, delivered by certified mail at the address listed in this Contract, or in person.

CITY OF KEIZER, an Oregon Municipal Corporation

By: _____,
City Manager

Date: _____

Address: 930 Chemawa Rd. N.E., Keizer, OR 97303

Phone: (503) 390-3700

Consultant Name

By: _____,

Date: _____

Address: _____

Phone: _____

Fax: _____

Social Security Number: _____

Federal Tax Identification No.: _____

APPENDIX 'B'

Summary of Benefits Program

City's Contribution Program.

In 1999, the City developed a contribution program that established a CAP on medical, dental, life, short-term disability and long-term disability. July 1st of each year, the CAP increases by the previous year's Portland CPI-W.

Medical Insurance.

The City offers all employees medical insurance coverage. Effective August 1, 2002, three options for medical coverage are offered. Plans are through ODS and includes vision and prescription. A mail order pharmacy is available. Medical coverage is part of the City's Contribution Program.

Dental Insurance

Dental insurance is offered through ODS with no deductible. There is a \$1500 lifetime maximum for Orthodontic service and \$1000 maximum per member per calendar year. Dental coverage is part of the City's Contribution Program.

Life Insurance.

Coverage is \$40,000 for full-time employees. It is provided through Standard Life Insurance Co., and is part of the City's Contribution Program. There is an option to purchase additional life insurance for the employee and family through payroll deduction.

Short-term Disability.

The City provides coverage of up to \$700 per month in benefits for the first 90-days of disability. The plan is through Standard Insurance and is part of the City's Contribution Program.

Long-term Disability.

The City provides coverage of up to 66.66% of an employee's salary following a 90-day waiting period. This plan is through Standard Insurance and is part of the City's Contribution Program.

Additional Optional Insurance

The City offers, through payroll deduction, additional insurance coverage for cancer care, intensive care and disability. The plans are administered by AFLAC and Colonial Insurance Co.

Workers' Compensation Insurance

Workers' Compensation Insurance is provided in accordance with Oregon Revised Statutes through City/county Insurance Services. Pinnacle Risk Management, Portland, administers the claims.

Flexible Spending Plan.

Through an IRC Section 125 plan, employees may use tax-free dollars to pay for a wide array of expenses, which are not covered through other benefit programs. The Personal Choice Account allows for participants to contribute to: a) Employee Insurance premium Contribution; b) Health Care Spending Account – up to \$3,000 per plan year; c) Dependent Care Spending Account.

Social Security/Medicare.

The City does not participate in the Social Security Program. No funds are collected from the employee nor are funds paid on behalf of the City. The City does participate in the Medicare program.

Retirement. The City's offers the following retirement program:

During the first six months of employment, the City contributes 7.5% of salary to a Section 457 Deferred Compensation Plan through either ICMA or Nationwide Retirement. This applies to all employees. After six months of employment, the City's 7.5% contribution stops.

At the start of the seventh month, the City contributes to a Defined Contribution Plan through either PERS or ICMA(a).

Employees eligible for PERS are a) city manager; b) 2 Public Works employees; and c) all sworn officers (chief, captains, sergeants and police officers).). The city pays the employer contribution of 7.96%. The city also picks up the 6% employee contribution, for a total contribution of 13.96%.

Employees eligible for ICMA(a) are all other employees, including members of the Local 320. The City's total contribution is 11%.

Deferred Compensation Program.

Commencing with the start of employment and continuing until termination, employees may voluntarily contribute to their Section 457 Deferred Compensation Plan. The City will match up to 6% of an employee's contribution.

Employees are not eligible to contribute to either PERS or ICMA(a) Defined Contribution Plan.

Employee Assistance Program

The EAP is a confidential counseling and referral service that can help employees and their family members and dependents develop the life management skills needed to enjoy life more fully.

Credit Union

Membership with the Oregon Territory Federal Credit Union is available and provides services such as checking and savings accounts, loans, certificate account or IRA programs, and refinancing programs.

Direct Deposit

The City offers employees to directly deposit their payroll check into a checking or savings account.

Holidays

The City of Keizer recognizes 10 paid holidays during the calendar year for non-represented employees, members of the Local 320, and some members of the KPA. Some members of the Keizer Police Association and Sergeants receive 12 paid Floating Holidays throughout the year.

Personal Leave Days

Employees are allowed 16 hours of personal leave days per fiscal year to be used at their discretion with supervisory approval.

Vacations

Employees accrue vacation leave on a monthly basis, depending upon the length of employment. Vacation leave may be taken after an employee has completed six continuous months of employment

Sick Leave

Sick leave accrues at a rate of eight hours per month for full-time employees.

APPENDIX 'C'

City of Keizer
Personnel Policies
Policy No. 100.000

SECTION:	Compensation	
TOPIC:	Salary	Effective Date: July 1, 2000

It is the policy of the City of Keizer to provide a compensation package, that includes salary and benefits, which is consistent and fair for represented and unrepresented employees (within the constraints of ratified union contracts) and is a wise use of taxpayer funds.

- I. The City Council recognizes that fluctuations in the state's economy will effect the market value of salaries. The salary matrix shall automatically be amended each calendar year in July to reflect these fluctuations by incorporating any increases necessary into the matrix as determined by the CPI-W (Consumer Price Index-w) for the prior year (January-December). If the CPI-W indicates a reduction, no change will be made to the matrix. The initial salary matrix shall be constructed by using the current minimum wage for Range 1/Step 1 and allowing for three percent (3%) increases between Steps and five percent (5%) increases between Ranges.
- II. All unrepresented employees will be placed within a range and step within the salary matrix as determined by the average comparison of a like position in a comprehensive salary survey of corresponding governmental jurisdictions. The initial placement of employees within the salary matrix shall be made by the Human Resources Manager as approved by the City Manager and the Personnel Committee.

(A) These comparibles, based on jurisdictions that are within the recruitment basin who are considered viable recruitment competition, and/or which have comparable size, will be:

Albany	Milwaukie	State of Oregon
Lake Oswego	Newberg	Tigard
Marion County	Oregon City	Tualatin
McMinnville	Salem	Woodburn

(B) Salary surveys for all classifications will be performed on a schedule of no less than every three (3) years.

(C) Individual classifications may be surveyed by request of the majority of incumbents within that classification in intervals of no less than twelve (12) months. Individual classifications may also be surveyed at the discretion of the City Manager.

(D) All salary surveys will be conducted by an independent contractor selected by the Council through the RFP process. Surveys will compare position descriptions and duties.

APPENDIX 'C'

- III. Salaries of all new hires can be authorized by the City Manager up to the median range of the salary matrix for each position. New employees hired at a salary above the median range (Steps 6 – 10), the City Manager will make a report to the City Council Management Committee.
- IV. Employees may receive increases in their salary by;
 - (A) receiving annual cost of living increases based on 100.000 (I)
 - (B) receiving annual step increases, based on satisfactory job performance until they reach the maximum step (10).
 - (C) discretionary merit increases as approved by the City Manager and City Council.
 - (D) re-class of their position into a higher range within the salary matrix based on the most recent salary survey. The salary recommendations from the initial survey shall be retroactive to January 1, 2000. Based on the initial salary survey, the placement of employees within the salary matrix shall be made by the Human Resources Manager as approved by the City Manager and the Personnel Committee. Placement of employees shall be done based on subsequent surveys in the same manner.
- V. All bargaining unit employees salaries will be determined based on the terms of their current contract.
- VI. Any city employee (represented and un-represented) is eligible to receive a second language differential of 2.5% if they are required to acquire this skill or if the City Manager determines that the second language is of benefit to the City. Employee must be fluent in the language as determined by the City Manager, based upon a standard and testing program in assistance with local area colleges and/or court approved translators.



November 4, 2002

AGENDA ITEM 8d

2002 MIRACLE OF CHRISTMAS NOISE VARIANCE

COUNCIL MEETING: November 4, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCILORS

**FROM: CHRIS EPPLEY
CITY MANAGER**

SUBJECT: MIRACLE OF CHRISTMAS NOISE VARIANCE

BACKGROUND:

City Noise Ordinance 93-269 was passed by the City Council on November 1, 1993 which greatly expanded noise prohibitions within the City of Keizer. Provisions are contained within the Ordinance that allow for persons or groups to apply for a variance for certain events. Under Section 11(B) of the Ordinance, the Council shall grant or deny a Class B or Class C variance within 30 days of the receipt of the application, and may, on its own motion, hold a public hearing on the application before deciding to grant or deny the variance.

ISSUE:

The Gubser Neighborhood Association has submitted a variance application for Council approval, as stipulated in Section 8 of the Ordinance, for a Class B Variance. This variance specifically pertains to the upcoming Miracle of Christmas lighting display held annually within the boundaries of the Gubser Neighborhood Association. The variance is necessary due to the possible ordinance violations during this event. The various sounds involved include routine traffic noise generated from large volume of vehicles that visit the area; persons or groups singing seasonal music; seasonal music emitted from residential displays; and any other sounds generated from seasonal activities in the area.

The Miracle of Christmas lighting event begins on Friday, December 6, 2002 and runs through Thursday, December 26, 2002. The hours of display are from 6:00 p.m. to 10:00 p.m. daily.

RECOMMENDATION:

It is recommended the Council, by motion grant the Class B Noise Variance for the 2002 Miracle of Christmas lighting display and authorize the City Manager to sign the variance.



CITY OF KEIZER

P.O. Box 21000, Keizer, Oregon 97307
(503) 390-3700

VARIANCE FROM KEIZER NOISE ORDINANCE (93-269)

Section 1. THE APPLICATION

Bud and Trenda Staudenmier, Gubser Neighborhood Association Lighting Committee Chairpersons have applied for a Class B Variance from the requirements of the Keizer Noise Ordinance, to allow for the event known as the Miracle of Christmas lighting display. This event is for a period from Friday, December 6 through Thursday, December 26, 2002. The lighting will be displayed from 6:00 p.m. to 10:00 p.m. daily. The noise produced by this event consists of noise generated from large volumes of vehicles that visit the area; persons or groups singing seasonal music; seasonal music emitted from residential displays; and the other sounds generated from seasonal activities in the area. The location of the event is within the Gubser Neighborhood Association boundaries.

Section 2 APPLICABLE PROCEDURE As the duration of this event is more than 72 hours, a Class B variance is applicable.

Section 3 GRANT OF THE VARIANCE On November 4, 2002 the Keizer City Council **GRANTED** a Class B variance for the event at the location stated and for the duration stated.

Section 4 EFFECTIVE DATE. This order is effective immediately upon passage by the City Council.

Christopher Eppley - City Manager

Date

GUBSER NEIGHBORHOOD ASSOCIATION

To: Keizer City Council

The Gubser Neighborhood Association is asking for a variance to City Noise Ordinance #93-269 for the annual "Miracle of Christmas" Lighting display. The lighting will be from 6 to 10 Friday Dec 6th 2002 through Thursday 26th 2002

A variance is being sought under section 3 of City Ordinance #93-269

A variance is necessary due to possible ordinance violations during this event.

The various sound involved include routine traffic noise generated from vehicles that visit the area; persons or groups singing seasonal music; seasonal music emitted from residential displays; and any other sound's generated from seasonal activities in the area.

We are requesting that this variance be given without a public hearing, as it is an annual event.

Bud & Tenda Staudenmier
2045 Rockledge Dr NE
Keizer, Or 97303 503-393-6345
Gubser Neighborhood Assoc Lighting Committee Chairperson



November 4, 2002

AGENDA ITEM 8e

APPROVAL OF OCTOBER 7, 2002 REGULAR SESSION MINUTES

MINUTES

KEIZER CITY COUNCIL

Monday, October 7, 2002

Keizer City Hall

Robert L. Simon Council Chambers

Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:00 p.m. Roll Call was taken as follows:

Present:

Lore Christopher, Mayor
Michel Gaynor, Councilor
Charles E. Lee, Councilor
Jerry McGee, Councilor
Jacque Moir, Council President
Judy K. Smith, Councilor
Richard Walsh, Councilor

Staff:

Chris Eppley, City Manager
Susan Gahlsdorf, Finance Director
Rob Kissler, Public Works Director
Maria Meier, Senior Planner
Marc Adams, Chief of Police
Dianne Hunt, Human Resources Director
Shannon Johnson, City Attorney
John Lien, City Attorney
Keith Liden, Consultant
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

Larry Brown, 1607 Keystone Loop NE, Keizer-spoke regarding the Trail/Manzanita area. He expressed his opposition to the idea of closing streets or adding speed bumps. Mr. Brown believed it was important to add additional Clearlake freeway access and suggested the area of Perkins or Clearlake/Quinaby as a good place to consider this type of improvement. He urged the Council to seek another alternative besides the "Band-Aid" option.

Councilor's Walsh, Smith and Gaynor expressed their appreciation of Mr. Brown's comments.

Anne O'Rourke, 1266 Harmony Drive, Keizer- spoke in favor of Mr. Brown's comments, but indicated that

this type of development was years away and would not solve the problems that were taking place now. She expressed hope that the other options for Trail and Harmony would still be considered (i.e.: stop signs, pork chops, etc). Ms. O'Rourke also suggested a three-way stop sign at Trail and Harmony as an additional option.

Responding to questions Public Works Director Rob Kissler indicated that included in the current budget were funds to include five-foot bike lanes north of Harmony on Trail Avenue.

Ms. O'Rourke further suggested that bike lanes also be included on Harmony Drive.

Mayor Lore Christopher explained that a work session with the City Council and the Traffic Safety Commission would be taking place on Monday, October 14th at 5:30 p.m. She invited those interested to attend.

PUBLIC HEARINGS

a. Water Rate and Administrative Fee Adjustments

Public Works Director Rob Kissler reported after the September 16th City Council meeting and the presentation from Black and Veatch Corporation. Staff was directed to notice a public hearing on the issue.

Staff recommended that the public hearing be conducted to allow testimony, continuing the hearing until October 21, 2002 to accept additional testimony.

Mayor Christopher opened the public hearing.

Councilor McGee moved to continue the public hearing until October 21, 2002. Councilor Walsh seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**b. River road Shell Liquor
License Application**

City Manager Eppley reported on August 29, 2002 that Jim Trenary submitted an application for an Off-Premises Sales liquor license for the River Road Shell located at 3510 River Road North, Keizer, Oregon.

As required by City Ordinance the public hearing was scheduled and all the required notices was met. Background checks were conducted by the Keizer Police Department, as well as, zoning being reviewed by the Planning Department.

It was recommended that that the public hearing be conducted with a recommendation from the City Council being forwarded to the Oregon Liquor Control Commission for the recommendation of the Off-Premises liquor license.

Public Testimony:

Patricia Trenary, 4811 Dakota Road SE, Keizer- provided a brief summary of the training which they supply their employees regarding the sale of alcohol and tobacco. Ms. Trenary offered to answer questions from the Council.

Mayor Christopher thanked Ms. Trenary for her testimony.

Mayor Christopher closed the public hearing.

Council President Moir moved to Approve the Application for an Off-Premises Liquor License For the River Road Shell, Under the Guidelines Established by ORS 471.178 and the Ordinances of the City of Keizer and Forward this Recommendation to the Oregon Liquor Control Commission. Councilor Walsh seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

COMMITTEE REPORTS

a. Volunteer of the Quarter Award-Judy Shaffer
Council President Moir reported that the Volunteer Coordinating Committee had selected Judy Shaffer as the Volunteer of the Quarter. She summarized Ms. Shaffer's accomplishment of organizing an animal assistance group called KARE, which would provide help and care for pets displaced during a disaster.

Mayor Lore Christopher presented Ms. Shaffer with her award.

Ms. Shaffer introduced Carol Doerfler and Pat (?) who had assisted in making the KARE program a success.

**b. Keizer Planning Commission Appointments
Stan Compton and Bruce Anderson**

City Manager Eppley reported that on September 30, 2002 the terms of Stan Compton and Bruce Anderson were scheduled to expire. Both individuals expressed interest in being re-appointed for another term.

On September 12th the Volunteer Coordinating Committee unanimously recommended to re-appoint Mr. Compton and Mr. Anderson to an additional three-year term on the Planning Commission.

It was recommended the Council accept the recommendation of the Volunteer Coordinating Committee.

Councilor McGee moved a motion to re-appoint Stan Compton and Bruce Anderson for an additional three-year term on the Keizer Planning Commission. Councilor Walsh seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**c. Community Policing Report-False Alarm
Ordinance Recommendation**

City Manager Eppley reported that in July 2001 the City Council adopted Ordinance 2001-459 Regulating False Alarm Systems.

In June 2002 the City Council voted unanimously voted to refer an amended Ordinance to the Community Policing Committee for their consideration.

Chair of the Community Policing Committee Ken Gierloff will be presenting the Committee's recommendation.

City Manager Eppley reported that approximately 500 alarm permits were on file. The grace period which allowed alarm owners the opportunity to obtain a free permit had expired, and since this time \$1,520 had been collected. (76 permits at \$20 each)

Staff recommended that the Council review the recommendation of the Community Oriented Policing Committee and to direct staff on how to proceed.

Ken Gierloff, 4035 Arnold Street NE, Keizer- supplied a few brief announcements regarding additional issues the Committee would be reviewing and expressed thanks to Dr. Jim Warner for his service on the Committee.

Mr. Gierloff reviewed the system and ordinance. He expressed the Committee's belief that the system was more burdensome than effective and the Main Community Policing Committee recommended that the ordinance be replaced. It was recommended that a third party policy be developed and implemented to replace the existing ordinance similar to that being done in Salt Lake City.

Responding to questions from Council Captain Kent Barker indicated that the Police Department favored the direction of the verified police response for alarms. He believed it would be important to bring the stakeholders together to assist in the compilation of an ordinance.

Council President Moir expressed enthusiasm in reviewing this type of model. She suggested a moratorium of the current ordinance to allow the model to be reviewed further.

City Attorney Johnson indicated a moratorium would not be necessary. If Council expressed an interest in analyzing the model further a public hearing and resolution process was recommended.

Councilor's McGee and Walsh spoke in support of the Committee's recommendation.

Mr. Gierloff further summarized the problems with the current ordinance including a non-viable tracking software program and the lack of cost effectiveness for the manpower needed to oversee a substandard ordinance. He welcomed the issue being reviewed in a public hearing process.

Captain Barker reported for the first eight months of 2002 that the police department responded to 659 alarms versus 670 during the same time in 2001.

City Manager Eppley praised the Community Policing Committee for their work on this project. He also asked the Council to review the possibility of refunding the alarm ordinance fee if the ordinance is repealed.

Responding to questions Mr. Gierloff attested that Community Policing would be willing to take the charge of the public process regarding this issue.

Council President Moir moved a motion to direct the Community Oriented Policing Committee and staff to conduct public hearings and stakeholders meetings to review issue processes. Also to develop a new ordinance or resolution and to address any additional issues such as the refunding of fees and possible repeal of the current ordinance. Mayor Lore Christopher seconded the motion.

Councilor Walsh suggested a friendly amendment to

delete the portion pertaining to refunds, as this should be addressed if the ordinance was repealed.

Council President Moir and Mayor Christopher accepted the friendly amendment.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

OTHER BUSINESS

a. New Business

➤ Council Residency Requirements

Councilor McGee moved to suspend the rules to allow the Council to discuss this issue. Councilor Smith seconded the motion.

The motion passed as follows:

AYES: Christopher, Lee, McGee, Moir, Smith and Walsh (6)

NAYS: Gaynor (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor McGee provided a background of the issue, which includes the question of the residency of Council candidate, Patrick Sieng. His residency was being questioned because he is a student at Willamette University required to live on campus. He addressed the pros and cons of action and non-action pertaining to this issue and urged the Council to discuss the issue. Also addressed were the City Charter and the City Attorney's recommendation regarding this matter.

Councilor Lee believed it was premature to make a decision at this point without the input from both sides of the issue. He felt after the election had taken place if Mr. Sieng was elected that it would be an issue for the Council to discuss.

Councilor Moir noted a copy of the Willamette

Residents Newsletter that allows for housing exceptions in extreme circumstances. She questioned whether Mr. Sieng had sought this option.

Councilor Walsh felt it was important to have all the facts and to receive input from Mr. Sieng.

Mayor Christopher stated the unfortunate nature of the issue and expressed her belief that the next step would be up to Mr. Sieng to determine if it were possible to seek a Willamette Residency Housing Waiver. If this is not possible the issue she felt the issue would be addressed after the election.

Councilor Gaynor expressed his uneasiness with making a decision regarding this issue. He agreed that waiting until the completion of the election would be a more appropriate step for the Council to take.

Councilor McGee reiterated that the topic was not the candidate, but the issue of residency, which he urged could be further discussed after the election.

Councilor Smith agreed with the complexity of the situation and did not offer an opinion.

Councilor Walsh noted that Mr. Sieng had not brought the issue to the Council to discuss. He believed it would be up to Mr. Sieng to ask the Council address this.

Councilor McGee moved a motion to accept and follow the recommendation of the City Attorney to not take action at this time. Council President Moir seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

➤ **Mid-Willamette River's Connections
Group Open House**

Councilor Walsh extended an invitation to the open house taking place on October 16th. He summarized the group's exploration of ongoing development along the Willamette River.

➤ **Black-White Gala Art Show**

Mayor Christopher noted the show taking place November 1st-29th. She encouraged those interested to contact the Art Association for more information.

➤ **Concert Noise Complaints**

City Manager Eppley noted that due to noise complaints that future open air events by this group would not be granted. He apologized for the noise caused by this concert.

➤ **Budget Committee Meeting**

Finance Director Susan Gahlsdorf requested that the meeting scheduled for October 14th is postponed until after the election. She believed this would allow the Committee to address budget issues with a greater knowledge after the election process.

The Council was in agreement with this. Mrs. Gahlsdorf agreed to contact the Budget Committee regarding this change.

➤ **Recruitment**

Human Resources Director Dianne Hunt noted that 150 applications had been received regarding the receptionist position. Selection for this position would take place by the end of October.

b. Old Business

➤ **Commuter Rail Task Force**

Councilor Smith reported that the first meeting of this group took place last week. She explained discussions with the different rail lines regarding the use of track and ODOT rails willingness to seek funding to begin a feasibility study. Councilor Smith outlined the funding requirement for a 20% "soft match" which could include surveys and modeling and all related costs pertaining to staff. This would include an area from Wilsonville to Salem.

Councilor McGee moved to suspend the rules to further review the issue. Mayor Christopher seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Smith moved a motion to direct staff to review what Keizer can contribute toward the \$15,000 soft match to go towards a feasibility study for commuter rail. Councilor Lee seconded the motion.

Responding to questions, Councilor Smith indicated that this was phase one of three of the feasibility study. Phase one included a ridership study to see if there would be adequate ridership to justify commuter rail.

Councilor McGee indicated he would not oppose the exploration of in-kinds funds, but cautioned staff and the Council that a debate of the desirability of commuter rail had not taken place with the Council.

City Manager Eppley believed the project would be worth exploring.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

➤ **Claggett Creek Watershed Council**

Council President Moir reported that the Claggett Creek Watershed Council would be holding their annual potluck meeting on October 22nd at 6:00 p.m. at City Hall. She invited all those interested to attend.

➤ **Gubser Neighborhood Traffic Management Plan**

Public Works Director Rob Kissler reported that staff had made contact with the affected property owner who believed the proposed alignment would jeopardize his future plans for development.

Mr. Kissler indicated that the current right-of-way on Trail Avenue would accommodate improvements similar to that of McLeod Lane. Stop signs on Trail and Manzanita, in addition to lane delineation as recommended by the Traffic Safety Commission.

Staff recommended that the Gubser Traffic Management Plan be placed on the October 21, 2002 agenda for discussion.

Mr. Kissler summarized the delineation of lanes on Manzanita at Trail.

Councilor Smith moved a motion to set this issue on the Council agenda for October 21, 2002. Councilor Gaynor seconded the motion.

The work session scheduled for October 14th was addressed. Councilor Walsh believed it would be premature to set this issue for the October 21st agenda until after discussions were complete at the work session.

The motion failed as follows:

AYES: Gaynor and Smith (2)

NAYS: Christopher, Lee, McGee, Moir and Walsh (5)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Christopher recessed the meeting at 9:07 p.m. reconvening the meeting at 9:25 p.m.

ADMINISTRATIVE ACTION

a.

ORDINANCE- Establishing

Finance Director Susan Cahlsdorf reported at the direction of the Budget Committee staff provided a

**Specific Tax on Dwelling
and Commercial Units to
Maintain, Operate, and
Acquire Parks**

**RESOLUTION-Setting the
Effective Date and the
Amount of the Specific Tax
on Dwelling and
commercial Units to
Maintain, Operate, Improve
and Acquire Parks**

revised park's budget. The motion set forth by the Committee did not include a contingency line item. Staff recommended that \$10,000 be included for contingency.

Ms. Gahlsdorf also addressed transitioning the park's program from the General Fund to a Special Revenue Fund. Options to cover this transition included a one-time \$20,000 transfer from the General Fund or imposing the fee in April 2003 to generate adequate funds for operations beginning in July 2003.

Council President Moir moved to Adopt a Bill for an Ordinance Establishing Specific Tax on Dwelling and Commercial Units to Maintain, Operate, Improve and Acquire Parks. Mayor Lore Christopher seconded the motion.

City Attorney John Lien responded to questions regarding Administrative Review within the ordinance.

Responding to questions, Mrs. Gahlsdorf believed that it would be more administratively difficult to track and collect this fee from businesses. It was noted that the difficulty with businesses is that there may be multiple units per meter and vacancies would also be difficult to track.

Councilor Walsh believed this issue was covered with the language written in the ordinance.

Public Works Director Rob Kissler answered questions regarding customers who are not on city water. He indicated that they retain sewer services and the appropriate tax would be attached to their sewer bill.

Council and staff further discussed and debated the issue of business dwelling units and how this could be tracked and whether the tracking of this would be more costly than efficient.

Mayor Christopher noted that the motion included businesses on a simplified parcel only.

Staff noted that this issue could be further debated during the budget process.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Council President Moir moved to Adopt a Resolution Setting the Effective Date and Amount of the Specific Tax on Dwelling and Commercial Units to Maintain, Operate, Improve and Acquire Parks. Councilor McGee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**b.
Chemawa Activity
Center/Keizer Station Plan-
Text Amendment
/Comprehensive Plan
Change/Zone Change Case
No. 01-50**

Planning Director Maria Meier submitted copies of the following to the Council:

- Memorandum from Keizer Public Works regarding the proposal of a 12-foot promenade along Radiant Drive
- An updated list of exhibits
- The draft Keizer Station Plan as amended by Council
- Draft text amendments to the Keizer Development Code as amended by the Council
- Preliminary findings to the applicable Development Code criteria, Comprehensive Plan goals and policies and Statewide Planning Goals.

Staff recommended that the Council review the provided information and advise staff of any necessary changes.

Responding to questions Planning Director Meier summarized how staff made their determination of retail distribution as noted on page nine of the document.

Councilor Smith noted on page five of the document that the Change/ Acres under IBP should be -72.6.

Planning Director Meier addressed *Land Use Review Procedures* for Area C as written on page ten. She indicated that current uses would be considered legal nonconforming uses.

Staff noted for the benefit of Council that the term "*Radiant Loop*" as referenced throughout the document would be removed.

Page 24, III(C) The change in this sentence will read; "*No automobile access shall be allowed to Dennis Ray Avenue from Area B.*"

Other minor typographical errors were noted which staff agreed to change.

Public Works Director Rob Kissler addressed his memo dated October 2, 2002. Staff expressed concern with the suggestion that bicycles and pedestrians would share this promenade. Safety issues with the cross traffic were addressed with this sort of design.

After further discussion Mr. Kissler indicated that five feet was the minimum for sidewalks if they were placed on both sides of the road. He indicated that staff could revisit these standards at the Council's direction.

It was the consensus of Council to direct staff to locate ODOT's sidewalk standards and to encourage a width greater than the minimum that would accommodate the pedestrian traffic in the area. Eight feet was agreed on by the Council as the minimum to be reviewed.

On page 19(B) of the document Councilor McGee requested that the third sentence in the paragraph read, "*The City recognizes that factors such as disease and*

safety concerns or other practical considerations, may require the approval to remove such trees".

Councilor McGee addressed page 17 of the document and questioned whether the use of the wording "landscaping" and "streetscaping" were being used synonymously.

Planning Director Meier explained that streetscaping was reviewed only in the General Employment Zone. She noted the definition of streetscaping as an amendment to the code. She answered questions from the Council pertaining the to language.

Council President Moir provided and read a copy of the City of Salem's Proposed Revised Code definition for Landscaping.

It was noted that the definition did not address walkways, vegetation or varied materials.

Mayor Lore Christopher moved a motion for the Keizer Station Plan in Attachment A, page 13 to combine the elements of Streetscaping (6) to Landscaping (5) and add additional language from Salem's Proposed Change Definition for Landscaping. Councilor Smith seconded the motion.

Public Works Director Rob Kissler questioned the Council's intent for the location of streetscaping whether it was to be in or out of the right-of-way.

Council discussed maintenance issues for landscaping and streetscaping.

Councilor Walsh suggested a friendly amendment that the wording, "which reasonably required and continues to reasonably require, human management to distinguish the area from a natural area," is deleted from the text.

Mayor Christopher did not accept the friendly amendment.

The motion passed as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir and Smith (6)

NAYS: Walsh (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

Council discussed whether to include the landscaping definition for just Area A or throughout the entire Keizer Station Plan.

Due to the size and shapes of the other areas in the plan staff did not recommend adding the above landscape requirements to the remainder of the development. Staff believed green space requirements for the other areas would be more appropriate.

Mayor Lore Christopher moved a motion to apply the streetscaping concept to only Area A. Councilor McGee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Addressing earlier concerns it was the consensus of the Council to direct staff to compile language to address the maximum flexibility for streetscaping.

Responding to questions Planning Director Meier summarized the reason for *Use Restrictions* in Area B as noted in Attachment E(C).

Councilor McGee urged future reconsideration of the spot zoning listed in this section under 2.110.01(C1).

Councilor Walsh believed in Attachment A, page 2 that Council had removed the use of *Textile mill products*. Staff agreed to review this list with the

minutes to verify Council's wishes.

In Attachment C, page seven (d) the sentence should read, "The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines."

Councilor Moir addressed Attachment H, H (2). She indicated she believed the intent of the Council was to have the landscape requirement remain at 20% in the IBP Zone.

Consistency of Development Standards was discussed and whether this was the intent of the Council.

Mayor Christopher moved a motion to change the landscaping requirement for IBP to twenty-percent. Council President Moir seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Staff answered questions from the Council pertaining to pedestrian circulation.

Public Works Director Rob Kissler discouraged the idea of using stores as part of a pedestrian connection.

Planning Director Meier indicated that this would be a building design issue that would be addressed during the master plan process.

Staff also addressed questions regarding the Tree Ordinance and it's intent to keep clear-cutting from taking place.

Councilor McGee proposed the concept of LID's to assist with the support of various facilities.

Mayor Christopher moved a motion to direct staff to work with the developers to address language for a LID to support future potential uses. Councilor McGee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Council President Moir moved a motion to reopen the record and set the amended plan for public hearing on October 21, 2002. Mayor Christopher seconded the motion.

Councilor Walsh felt it was important to revisit the issue of twenty-percent landscaping in the EG Zone prior to reopening the record.

Council President Moir withdrew her motion.

Councilor Walsh moved a motion to increase the landscape requirement, including the new definition, in the EG Zone to twenty-percent. Councilor Smith seconded the motion.

Councilor McGee expressed his uneasiness with increasing this requirement for the EG Zone.

Responding to questions Planning Director Meier indicated that the storm water retention green space could be used to meet a portion of the landscaping requirement.

Councilor Walsh argued if the landscaping requirement for the EG Zone was less than twenty-percent this would be less than the landscape percent along River Road.

Mayor Christopher disputed Councilor Walsh's comments. She indicated that ten-percent landscaping would be similar to that done at Skyline Ford. She

appealed the need to enable the development to be a viable option.

After further debate Council Lee suggested a friendly amendment to the motion to make the landscaping requirement for the EG Zone fifteen-percent.

Councilor's Walsh and Smith accepted the friendly amendment.

The motion with the friendly amendment passed as follows:

AYES: Lee, Moir, Smith and Walsh (4)

NAYS: Christopher, Gaynor and McGee (3)

ABSTENTIONS: None (0)

ABSENT: None (0)

Council President Moir moved a motion to reopen the record and set the amended plan for public hearing on October 21, 2002. Mayor Christopher seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Christopher recessed the meeting at 11:25 p.m. and called the meeting back to order at 11:30 p.m.

**c. ORDINANCE-Text
Amendment Case No. 02-21
(Restricting Private Streets)**

This item will be reviewed at the October 21, 2002 City Council meeting.

**d. Compensation Study-
Request for Proposals**

This item will be reviewed at the October 21, 2002 City Council meeting.

**e. RESOLUTION-Adopting
Senior Planner
Classification**

Planning Director Maria Meier reported due to the increase awareness of impacts of the growth on public infrastructure, the environment and the quality of life for residents in the City the need for additional resources in the Community Development

Department to address these impacts.

The Senior Planner position would assist in the following areas and others as identified by the City Council. Salem-Keizer Area Transportation System, Land Use and Transportation Forum, Regional Planning, Long Range Planning, Review of Comprehensive Plan and Development Code and Natural Resource Management.

The fiscal impact was addressed in the 2002-2003 budget, along with a salary survey conducted by the Human Resources Department.

Staff recommended that the City Council approve the resolution to create the classification of Senior Planner to be placed on the City Salary Matrix at Range 24, with a salary range from \$3,770 to \$4,920.

Council President Moir moved to Adopt Resolution to Create the Classification of Senior Planner. Councilor Lee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

- a) RESOLUTION-Setting Hearing for Richard Lewis (Cade Street) Development Review Case No. 2002-59
- b) Keizer Heritage Foundation Audit Procedures
- c) Approval of September 3, 2002 Regular Session Minutes
- d) Approval of September 9, 2002 special Session Minutes
- e) Approval of September 16, 2002 Regular Session Minutes

Councilor Smith pulled items "C" and "E".

Councilor Gaynor pulled item "D".

Council President Moir moved for approval of items "A" and "B" on the Consent Calendar. Councilor Lee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Christopher moved for approval of item "D" on the Consent Calendar. Council President Moir seconded the motion.

The motion passed as follows:

AYES: Christopher, Lee, McGee, Moir, Smith and Walsh (6)

NAYS: None (0)

ABSTENTIONS: Gaynor (1)

ABSENT: None (0)

Items "C" and "E" will be reviewed and brought back for approval at the next City Council meeting.

WRITTEN COMMUNICATIONS

Mayor Christopher addressed a letter from Lorna Moore requesting that benches be placed in the area of the focal point.

Councilor McGee and Lee agreed to speak further about this request.

AGENDA INPUT

October 14, 2002

5:30 p.m. Joint Work Session-Traffic Safety
Commission

October 21, 2002

7:00 p.m. City Council Meeting

November 4, 2002

7:00 p.m. City Council Meeting

Mayor Christopher noted the agenda items.

ADJOURNMENT

Mayor Christopher adjourned the meeting at 11:43 p.m.

Cindy Perry
Recording Secretary

APPROVED:
MAYOR:

Lore Christopher

COUNCIL MEMBERS:

Councilor #1 - Judy K. Smith

Councilor #4 - Jacque Moir

Councilor #2 - Michel Gaynor

Councilor #5 - Richard Walsh

Councilor #3 - Charles E. Lee

Councilor #6 - Jerry McGee

Minutes approved:



November 4, 2002

AGENDA ITEM 8f

APPROVAL OF OCTOBER 14, 2002 WORK SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL/TRAFFIC SAFETY COMMISSION
WORK SESSION

Monday, October 14, 2002
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the work session to order at 5:30 p.m. Roll Call was taken as follows:

Present:

City Council

Lore Christopher, Mayor
Michel Gaynor, Councilor (arrived at 5:40 p.m.)
Charles E. Lee, Councilor
Jerry McGee, Councilor
Jacque Moir, Council President
Judy K. Smith, Councilor
Richard Walsh, Councilor

Traffic Safety Commission

Randy Jackson-Chair
Steve Lamb
Joseph Ortiz

Staff:

Chris Eppley, City Manager
Rob Kissler, Public Works Director
Lance Inman, Sergeant
Mark Miranda, Captain
Dick Woelk, Traffic Consultant
Tracy L. Davis, City Recorder

DISCUSSION

a. Traffic Safety Issues

Mayor Christopher introduced Randy Jackson Chair of the Traffic Safety Commission.

Mr. Jackson provided a background of the work done by the commission, as directed by staff, to address the cut through traffic on Harmony Drive. He summarized the ideas and options presented by the citizens during the public hearing process, as well as, the information provided by the city's traffic engineer.

Mayor Christopher referred to the resolution forming the commission and the appendix, which outlined the commission's purpose.

Council and the Commission discussed the added value that a public works staff liaison would bring to the Traffic Safety Commission meetings.

The historical aspect of a police liaison being appointed to the commission was outlined. It was noted that this appointment allowed for the ability to seek traffic safety grant funding.

Steve Lamb profiled some of the Commission's frustrations regarding the range of discretion and the Commission's ability to act accordingly on a matter without meeting a bureaucratic timetable.

Responding to comments Randy Jackson indicated the intent of the Commission was to set forth a proposal that would not have a negative impact on area streets, while focusing on the problems along Harmony Drive.

1-A/1-B

Public Works Director Rob Kissler noted portions of the plan (dated July 26, 2002) that had been implemented. This included additional time being added to the protected left turn signal southbound on River Road to Lockhaven Drive eastbound during the a.m. commute hours. He also indicated that 1-B of this plan was a key factor that should be implemented as the first piece of the package at an approximate cost of \$20,000-\$40,000. A target date for this project was February 1, 2003.

2-B

Mr. Kissler reported that a design for 2-B of the plan had been prepared. He noted discussions with residents on Manzanita who believed the stop signs at Trail, 13th, 14th at Manzanita would be sufficient. The resident expressed concern that an additional stop sign at 11th and Manzanita would be excessive.

Steve Lamb addressed the Commission's recommendation to not add stop signs at Trail and

Manzanita due to the possible concern that traffic exiting from River Road to Manzanita could be trapped in the intersection because of the short distance involved from River to the proposed stop sign at Trail/Manzanita.

Jerry Watson suggested that the stop signs at Trail/Manzanita be implemented and that the through lane at this intersection be eliminated with a "free" turn onto Trail to discourage cut-through traffic.

Mr. Lamb disagreed with the suggested "free" turn onto Trail.

After further discussion Mr. Kissler indicated that implementation of 2-B would take approximately 30-days with the lane delineation being weather driven.

3-A

The closure of Trail Avenue was the area where staff and the Commission disagreed. Mr. Kissler indicated that some of the residents along Harmony expressed willingness to have pork-chops placed at each end of their street to eliminate cut-through traffic. Residents had also suggested signage in the Harmony/Trail area to discourage cut-through traffic.

The designation of Trail Avenue as it is listed in the Transportation Systems Plan was discussed.

Randy Jackson concurred with Mr. Kissler's comments regarding pork chops on Harmony, but also noted if this was implemented that the traffic would use Mandarin Street without restriction.

Anne O'Rourke believed the four-way stop at Manzanita/Trail may be beneficial, but expressed concern if additional stop signs were placed along Manzanita that this would draw the traffic towards Trail/Harmony.

Councilor Walsh expressed concerns with the maximum of vehicles being pushed back onto the main arterials. He indicated that the problem would continue to worsen unless alternative arterials were sought. He

cautioned the Council to not move the problem seen in the Gubser Neighborhood into surrounding neighborhoods.

Councilor Smith spoke against the use of pork-chops and stop signs. She stressed inconvenience with pork-chops and the difficulty with ongoing enforcement with stop signs. Councilor Smith read information from the TSP and quoted a memo from the city's traffic engineer regarding and his recommendations of the placement of a traffic signal at Trail and Lockhaven.

Traffic Engineer Dick Woelk summarized his memo stating that a signal at Trail and Lockhaven as Trail is currently aligned would not work because of the closeness to River Road and it's location at the crest of a hill. He noted the need for an additional north/south collector and the optimum location by realigning Trail with Verda Avenue.

Steve Lamb noted other options, which the Commission reviewed that included the use of a five-head traffic signal at Lockhaven and River Road. He indicated that this option did not remain a viable one because of safety concerns with the angle of the intersection.

Mr. Lamb went on to address the Commission's suggestion of closing Trail with a gate on a temporary basis. He stressed this option would allow people to develop an alternative behavior pattern at a minimal cost to the city.

Sgt. Lance Inman also addressed the five-head traffic signal emphasizing safety concerns due to the configuration of the intersection.

Rick Weddle, 1295 Harmony Drive, Keizer, Oregon-stressed the safety of the local neighborhoods over the traffic problems throughout the community. He spoke in favor of the temporary gate.

Anne O'Rourke interjected her belief that it would be important to develop bike lanes on Harmony in conjunction with any widening of Trail.

Jerry Watson urged reconsideration of the plan. He stressed the importance of including all the effected areas in the public hearing process. He believed that Trail should remain a collector because it was the boundary of a neighborhood and that the closure of Trail or the use of pork chops would be detrimental to the neighborhood.

Councilor McGee noted the increased traffic problems throughout the city. He supported the use of temporary measures if a long-range plan for infrastructure changes was addressed.

Responding to questions Mr. Woelk indicated that the minimum optimum distance between Trail and Lockhaven for a signal to be placed at Trail would be 1400-1600 feet.

3-B

Public Works Director Rob Kissler indicated that this section was slotted as a placeholder in the budget to provide a bicycle and pedestrian pathway on Trail Avenue from Harmony Drive to Manzanita Street.

Responding to questions Mr. Kissler reported that a full improvement from Manzanita to Lockhaven would cost between \$850,000 to \$1,000,000.

Mayor Christopher expressed an interest in the cost for full improvements on Harmony Drive. Mr. Kissler noted he could have some estimates available in the next couple of weeks.

Councilor McGee suggested a LID for the development of sidewalks in this area.

Mr. Kissler agreed with Councilor McGee's comments and stressed staff's agreement with the Commission's recommendation of initiating the plan as a package.

Responding to questions from citizens Traffic Engineer Dick Woelk indicated that it would be a Council decision to close a street. He believed there would be a significant impact on the surrounding neighborhood if Trail was closed.

4A

Mr. Kissler noted that staff's alternative to the Commission's suggestion would be to acquire additional right-of-way to create a dedicated right-hand turn out of McNary Estates. Staff believed that this traffic movement would be safer than that suggested in the plan and would accomplish the same goal.

Responding to questions Mr. Kissler indicated that the affected property owner had not been contacted. He also indicated that the suggested concept of making McNary Estates Drive a right or left-hand turn only onto River Road had not been explored.

4B

Staff agreed with the Commission's suggestion of reducing the green time for the protected left turn signal at River and Manzanita.

Mr. Kissler indicated that urban renewal funds were available to study the possibility of a traffic signal at Wheatland and River Road.

Mr. Lamb addressed that the cycling of the protected left signal at River and Manzanita would need to be adjusted because more traffic runs north/south versus the east/west light which would still allow a significant amount of traffic through the protected left turn.

Randy Jackson suggested for the Council's consideration the review of the policies pertaining to the various Boards and Commissions role during the public hearing process. He suggested that these groups be looked upon as unpaid staff to allow them to participate in the deliberation process.

Councilor Smith urged further review of an additional access at Perkins or Quinaby, in addition to further development of 35th.

The group further deliberated the process, with Mayor Christopher acknowledging the importance of having a staff liaison attend the Traffic Safety meetings.

Mayor Christopher referred to the resolution forming the commission and the appendix, which outlined the commission's purpose.

Council and the Commission discussed the added value that a public works staff liaison would bring to the Traffic Safety Commission meetings.

The historical aspect of a police liaison being appointed to the commission was outlined. It was noted that this appointment allowed for the ability to seek traffic safety grant funding.

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The closure of Trail Avenue was the area where staff and the Commission disagreed. Mr. Kissler indicated that some of the residents along Harmony expressed willingness to have pork-chops placed at each end of their street to eliminate cut-through traffic. Residents had also suggested signage in the Harmony/Trail area to discourage cut-through traffic.

The designation of Trail Avenue as it is listed in the Transportation Systems Plan was discussed.

Randy Jackson concurred with Mr. Kissler's comments regarding pork chops on Harmony, but also noted if this was implemented that the traffic would use Mandarin Street without restriction.

Anne O'Rourke believed the four-way stop at Manzanita/Trail may be beneficial, but expressed concern if additional stop signs were placed along Manzanita that this would draw the traffic towards Trail/Harmony.

Councilor Walsh expressed concerns with the maximum of vehicles being pushed back onto the main arterials. He indicated that the problem would continue to worsen unless alternative arterials were sought. He

cautioned the Council to not move the problem seen in the Gubser Neighborhood into surrounding neighborhoods.

Councilor Smith spoke against the use of pork-chops and stop signs. She stressed inconvenience with pork-chops and the difficulty with ongoing enforcement with stop signs. Councilor Smith read information from the TSP and quoted a memo from the city's traffic engineer regarding and his recommendations of the placement of a traffic signal at Trail and Lockhaven.

Traffic Engineer Dick Woelk summarized his memo stating that a signal at Trail and Lockhaven as Trail is currently aligned would not work because of the closeness to River Road and it's location at the crest of a hill. He noted the need for an additional north/south collector and the optimum location by realigning Trail with Verda Avenue.

Steve Lamb noted other options, which the Commission reviewed that included the use of a five-head traffic signal at Lockhaven and River Road. He indicated that this option did not remain a viable one because of safety concerns with the angle of the intersection.

Mr. Lamb went on to address the Commission's suggestion of closing Trail with a gate on a temporary basis. He stressed this option would allow people to develop an alternative behavior pattern at a minimal cost to the city.

Sgt. Lance Inman also addressed the five-head traffic signal emphasizing safety concerns due to the configuration of the intersection.

Rick Weddle, 1295 Harmony Drive, Keizer, Oregon-stressed the safety of the local neighborhoods over the traffic problems throughout the community. He spoke in favor of the temporary gate.

Anne O'Rourke interjected her belief that it would be important to develop bike lanes on Harmony in conjunction with any widening of Trail.

Jerry Watson urged reconsideration of the plan. He stressed the importance of including all the effected areas in the public hearing process. He believed that Trail should remain a collector because it was the boundary of a neighborhood and that the closure of Trail or the use of pork chops would be detrimental to the neighborhood.

Councilor McGee noted the increased traffic problems throughout the city. He supported the use of temporary measures if a long-range plan for infrastructure changes was addressed.

Responding to questions Mr. Woelk indicated that the minimum optimum distance between Trail and Lockhaven for a signal to be placed at Trail would be 1400-1600 feet.

3-B

Public Works Director Rob Kissler indicated that this section was slotted as a placeholder in the budget to provide a bicycle and pedestrian pathway on Trail Avenue from Harmony Drive to Manzanita Street.

Responding to questions Mr. Kissler reported that a full improvement from Manzanita to Lockhaven would cost between \$850,000 to \$1,000,000.

Mayor Christopher expressed an interest in the cost for full improvements on Harmony Drive. Mr. Kissler noted he could have some estimates available in the next couple of weeks.

Councilor McGee suggested a LID for the development of sidewalks in this area.

Mr. Kissler agreed with Councilor McGee's comments and stressed staff's agreement with the Commission's recommendation of initiating the plan as a package.

Responding to questions from citizens Traffic Engineer Dick Woelk indicated that it would be a Council decision to close a street. He believed there would be a significant impact on the surrounding neighborhood if Trail was closed.

4A

Mr. Kissler noted that staff's alternative to the Commission's suggestion would be to acquire additional right-of-way to create a dedicated right-hand turn out of McNary Estates. Staff believed that this traffic movement would be safer than that suggested in the plan and would accomplish the same goal.

Responding to questions Mr. Kissler indicated that the affected property owner had not been contacted. He also indicated that the suggested concept of making McNary Estates Drive a right or left-hand turn only onto River Road had not been explored.

4B

Staff agreed with the Commission's suggestion of reducing the green time for the protected left turn signal at River and Manzanita.

Mr. Kissler indicated that urban renewal funds were available to study the possibility of a traffic signal at Wheatland and River Road.

Mr. Lamb addressed that the cycling of the protected left signal at River and Manzanita would need to be adjusted because more traffic runs north/south versus the east/west light which would still allow a significant amount of traffic through the protected left turn.

Randy Jackson suggested for the Council's consideration the review of the policies pertaining to the various Boards and Commissions role during the public hearing process. He suggested that these groups be looked upon as unpaid staff to allow them to participate in the deliberation process.

Councilor Smith urged further review of an additional access at Perkins or Quinaby, in addition to further development of 35th.

The group further deliberated the process, with Mayor Christopher acknowledging the importance of having a staff liaison attend the Traffic Safety meetings.

Mayor Christopher thanked everyone for his or her participation.

ADJOURNMENT

Mayor Christopher adjourned the meeting at 7:50 p.m.

Cindy Perry
Recording Secretary

APPROVED:
MAYOR:

Lore Christopher

COUNCIL MEMBERS:

Councilor #1 - Judy K. Smith

Councilor #4 - Jacque Moir

Councilor #2 - Michel Gaynor

Councilor #5 - Richard Walsh

Councilor #3 - Charles E. Lee

Councilor #6 - Jerry McGee

Minutes approved:

SALEM - KEIZER AREA TRANSPORTATION STUDY

105 HIGH STREET SE, SALEM, OREGON 97301 PHONE (503) 588-6177 FAX (503) 588-6094

Memorandum

Date: October 29, 2002
To: Chris Eppley, City of Keizer
From: Richard W. Schmid, Program Director *RWS*
Re: Integrated Land Use and Transportation Strategies

Requested Action:

Endorsement of the Draft Elements of the Integrated Land Use and Transportation Strategies.

Background:

The SKATS Policy Committee and Steering Committee for Integrated Land Use and Transportation have embarked on a process of developing a regional strategy for addressing the Land Conservation and Development Commission's (LCDC) requirement for reduced reliance on the automobile. The committees have reviewed the **attached** draft strategies and have requested the participating jurisdictions to endorse them. The requested endorsement is essentially a request for confirmation that they are on the right track and should proceed with developing these draft strategies with more detail. It is the intent of the committees that their work be brought back to the local jurisdictions for frequent endorsement.

The Policy Committee, which is comprised of one elected official from each local jurisdiction, established a Steering Committee, comprised of additional elected officials and planning commissioners, to assist it in preparing a strategy that could be supported by the local governments in the Salem-Keizer area. This is their first work product.

In 1996, the SKATS Policy Committee adopted a regional transportation plan (RTSP), which found that transportation measures alone would not be sufficient to meet the Department of Land Conservation and Development's (DLCD) requirement to reduce the vehicle miles traveled per capita. The RTSP further found that in order to meet this requirement, land use patterns and development would need to change.

In 1998, the city of Salem embarked on Salem Futures, a multi-year effort to examine the long-term effects of land use patterns.

Following a day-long regional transportation forum for local elected officials in October 2001, SKATS was requested to coordinate a multi-jurisdictional effort to develop a regional strategy achieving an integrated land use transportation plan which reduces reliance on the automobile. SKATS, working with the participating jurisdictions, has developed a work program and schedule, including public involvement at the most effective times.

RWS:lvm

Attachments

c:\Storage\CommitteesActive\ILUTPA\Correspondence\strategies.doc

DRAFT

Land Use and Transportation Strategies for the Salem-Keizer Area

Over the past decade, there has been a steadily increasing awareness of the critical interdependence among land use and development activities, the provision of public infrastructure (such as sewer, water, and transportation facilities and services) and quality of life issues (such as air, water quality, and the availability of open space). As a result, governmental entities and the public are being encouraged to develop plans and implement ordinances that move us away from our traditional approaches to infrastructure and growth and instead create integrated systems that make more efficient use of past and future investments.

The ideas and concepts presented in this document are not new, nor are they without precedent in the adopted land use and transportation plans in the Salem-Keizer area. Rather, the strategies outlined in this document provide a framework to guide the area's elected officials through policy decisions so as to provide for more consistent plans and codes between jurisdictions and greater compliance with state requirements.

Studies such as Salem Futures, and plans such as the Regional Transportation System Plan and the Transportation System Plans for Salem and Keizer have provided some groundwork by bringing many of these issues to the attention of the public and policymakers in recent years.

The following four broad strategy initiatives are designed to more effectively integrate the land use, transportation and other infrastructure available to the residents of the Salem-Keizer area in the future.

1. Physical changes to land use patterns.
2. Physical changes to the transportation system.
3. Operation of programs designed promote multimodal transportation options throughout the area.
4. Public awareness efforts.

1. Physical Changes to Land Use Patterns

As land is redeveloped and new developments are introduced, it is the goal of the Salem-Keizer area that land use patterns allow for and support a multimodal transportation system. Concepts such as mixed-use transit-oriented centers—where housing, shopping, and employment are clustered together—will allow us to increase the viable modal choices for our transportation needs.

Several recent planning efforts, such as Salem Futures and the Marion County Growth Management Forum, have already involved some area residents in developing and adopting planning techniques and policies that more directly support the ability to walk or use transit for

work, shopping, and recreation. Efforts are planned or underway in the other SKATS jurisdictions to discuss these and other issues.

It is anticipated that adopted changes to local comprehensive plans and land use regulations will facilitate more compact urban development with a greater mix and balance of residential and retail/commercial uses. Transit-supportive land uses will receive particular emphasis in identified community centers for retail, civic, residential, and employment uses. It is with these goals in mind that the following land use actions be supported.

Proposed Actions

- A. Enable mixed use, higher density development and designate higher density land uses along major centers and/or transit corridors.
 - Designate in Comprehensive Plans and zoning and support the development of mixed-use transit-oriented centers throughout the urban area.
 - Zone areas along major transit corridors for complementary uses.
- B. Focus new development and redevelopment in areas that facilitate and complement investments in the transportation system, particularly public transit.
 - Provide mechanisms to increase housing and job opportunities in areas surrounding transit stops.
- C. Ensure community design that provides a safe and convenient network of facilities that meets the needs of walkers, bicyclists, transit users, and motorists.
- D. Manage development to ensure that prospective land uses are appropriate and are being developed at appropriate intensities and designs for compatibility with existing and planned transportation and other infrastructure facilities.
- E. Address existing legal and institutional obstacles to mixed use, pedestrian, and transit-oriented development.
 - Propose revisions to comprehensive plans and zoning codes.
 - Educate lending institutions, realtors, developers, and builders about the benefits of these development types. If necessary, recruit developers, builders and lending institutions from outside areas that have been involved with successful similar types of development projects.
- F. Develop public/private partnerships (financial incentives/ investments) that provide economic and other benefits to both parties. Use targeted public investments to encourage and implement adopted land use policies.
 - Provide key elements of the required infrastructure to developments that would further this strategy.

- Reduce systems development charges for development types that directly support the increased use of alternative modes.

G. Allow for an assortment of housing choices so that neighborhoods accommodate a wide range of income levels, families, and age groups.

2. Physical Changes to the Transportation System

Regional and local transportation plans will address needs for maintaining the existing transportation system and expanding opportunities for walking, bicycling, and transit use. Proposed modifications to plans will identify transportation system improvements that, if adopted by the governing bodies, would facilitate desired land use changes.

Proposed Actions

- A. Emphasize a balanced, multimodal system that provides a variety of viable choices and increased opportunities for travel by modes other than by the automobile.
 - Provide a convenient, safe, and secure interconnected network of sidewalks and pedestrian walkways.
 - Provide a convenient, safe, and interconnected network of bicycle routes, paths, and lanes.
 - Provide appropriate amenities for bicyclists and pedestrians to increase opportunities for alternative modes of transportation like bicycling and walking.
 - Provide a convenient, safe, and secure interconnected network of transit routes and services.
- B. Ensure designs that facilitate travel by bicyclists, pedestrians, and transit users without excluding needs of motorists.
- C. Make transit service more attractive by investing in a transit system that provides reasonable travel alternatives.
 - Increase frequency of service to 10-15 minute headways on major transit routes.
 - Increase hours of transit operation.
 - Provide mini-hubs, which are more conducive to localized travel.
 - Make road and service improvements that reduce delays for transit users, such as providing real time information and more convenient fare payment strategies.
 - Use high-priority transit techniques, such as queue jumps and dedicated lanes, to give buses preference in traffic.
- D. Support the provision of regional interurban transit (including commuter rail) services, providing commuters options for traveling between cities throughout the Willamette Valley.

E. Implement Intelligent Transportation Systems (ITS) technologies to increase the efficiency of the transportation system.

- Deploy technologies to help smooth traffic flows.
- Improve the operation of buses along transit routes.
- Expedite emergency response times.
- Provide useful system conditions information to the traveler.

3. Operation of programs designed to increase the utilization of alternative modal options.

Programs will be developed and/or expanded to support the desired land use patterns and improve the utility of a variety of travel options. These programs can consist of both user incentives to use alternative transportation modes (such as discount transit fares) as well as disincentives to single-occupant vehicle travel.

Proposed Actions

A. Expand programs that work with employers and the general public to encourage the use of alternative modes, including rideshare, vanpool, bus passes, transit, bicycling, walking, and telecommuting.

- Work with employers in centers to develop a "transportation management association" to promote the use of alternative modes.
- Expand the existing rideshare program beyond ride matching to include investing in program needs like vans or incentives for riders.
- Reduce systems development charges for development types that reduce reliance on the automobile.
- Change the development code to encourage (perhaps through incentives) employers to provide lockers, showers, and secure and protected bicycle parking for employees who walk or bike to work.

B. Manage parking to encourage the development and success of the desired land use patterns and the increased use of transit and other alternative modes.

- Manage parking supply and costs in areas where transit and other non-automobile opportunities exist.
- Explore opportunities for parking districts and shared parking areas and/or structures.
- Expand preferential parking for buses, vanpools, and carpools for major employers.
- Expand preferential parking for alternative modes, such as bicycles.
- Review the required parking ratios for various uses to determine if the required number of parking spaces could be reduced. Revise the development code accordingly.

4. Public Awareness Efforts

Implementation of this strategy cannot be done through plans, codes, and regulation alone. The first three strategy initiatives will provide the public with opportunities and choices, but it will take increased public awareness and understanding of the benefits of this approach for the efforts to have their intended effects.

Proposed Actions

A. Conduct educational outreach programs to:

- Explain why the strategy has been developed.
- Describe how it will be implemented.
- Describe its benefits to individuals and the community as a whole.
- Illustrate how the community could evolve and grow with this strategy.

B. Ensure that all sectors of the public are included in public awareness efforts:

- Neighborhood groups
- Environmental groups
- Policy makers
- Private sector developers/builders
- Financial institutions
- Educators

Why are we preparing an Integrated Land Use and Transportation Plan project?

Over the past decade, there has been a steadily increasing awareness of the critical interdependence among land use and development activities, the provision of public infrastructure (such as sewer, water, and transportation facilities and services) and quality of life issues (such as air and water quality, and the availability of open space). As a result, governmental entities and the public are developing plans and implementing ordinances that move us away from our traditional approaches to infrastructure and growth and instead create integrated systems that make more efficient use of the investments we have already made.

The Salem-Keizer area has recognized that it cannot continue to maintain the mobility of its residents simply through the construction of new or wider streets. While some construction of streets is necessary, the area's jurisdictions can no longer afford the cost of continuously widening streets. In addition to lack of sufficient street construction and maintenance funds, the social and environmental costs associated with automobile dependence have, in many cases, become more than the community is willing to pay.

Many of the area's previous plans, whether transportation or land use related, have advocated improving the quality of life or environment for area residents. The strategies outlined in these plans typically follow the same outline, namely, to improve the built environment so it is conducive to pedestrians and bicyclists; to ensure that roads support modes other than just the automobile in a safe and convenient manner; and to modify zoning codes and regulations so the resultant buildings, whether residential or commercial, produce fewer negative impacts on the environment. While all of these plans are saying essentially the same thing, there has been no guiding document coordinating the approaches used by the individual jurisdictions to ensure that the region as a whole is moving toward the successful outcome of these plans.

This document presents the rationale for having an overall regional strategy for coordinating land use and transportation planning in the Salem-Keizer area. The strategies themselves are discussed in a separate document.

Reasons for a unified and coordinated regional strategy:

Environmental

- Reducing run-off from roads would decrease the amount of contaminants carried into the local streams and river.
- Enhancing the feasibility of using modes such as walking, biking and transit will reduce the amount of pollutants that would be emitted if these trips were by automobiles, helping to improve the air quality in the area.
- Local governments, especially counties, have demonstrated a commitment to preserving agricultural land. Adopting policies that mix land uses and

provide for a safe and convenient bicycling and walking environment will help slow the expansion of the Urban Growth Boundary, thus helping to preserve agricultural land.

Social Justice

- Enhancing the transportation system to allow people who can't drive, the elderly, young or disabled, to travel to destinations within the region in a safe, convenient and timely manner.
- Adopting mixed use housing policies along with a safe and convenient multimodal transportation system can place workers closer to the jobs and the stores they frequent, reducing the amount of household income spent on transportation.
- Expanding the type and mix of the housing stock could result in more diverse communities and more options for affordable housing.

Economic

- The region has a finite amount of funds available for use on maintaining and expanding the transportation infrastructure. Adopting land use and transportation policies that maximize the efficient use of these resources is only prudent.

Health and Well-Being

- Adopting land use policies that reduce the distance between businesses and houses will allow people the option of walking or biking to meet their daily travel needs. Combining these land use policies with infrastructure improvements to make walking and biking safe, convenient, and pleasant could help people maintain a healthy lifestyle.

Relationship of Draft Strategy to Transportation Planning Rule Requirements

The proposed strategy elements are designed to address the requirements for an integrated land use and transportation plan, which is required to include the following elements:

- I. Changes to land use plan designations, densities, and design standards, as follows:
 - a. Increasing residential densities and establishing minimum residential densities within one quarter mile of transit lines, major regional employment areas, and major regional retail shopping areas;
 - b. Increasing allowed densities in new commercial office and retail developments in designated community centers;
 - c. Designating lands for neighborhood shopping centers within convenient walking and cycling distance of residential areas;
 - d. Designating land uses to provide a better balance between jobs and housing considering:
 - i. The total number of jobs and total of number of housing units expected in the area or subarea;
 - ii. The availability of affordable housing in the area or subarea; and
 - iii. Provision of housing opportunities in close proximity to employment areas.
- II. A transportation demand management plan that includes significant new transportation demand management measures;
- III. A public transit plan that includes a significant expansion in transit service;
- IV. Policies to review and manage major roadway improvements to ensure that their effects are consistent with achieving the adopted strategy for reduced reliance on the automobile, including policies that provide for the following:
 - a. An assessment of whether improvements would result in development or travel that is inconsistent with what is expected in the plan;
 - b. Consideration of alternative measures to meet transportation needs;
 - c. Adoption of measures to limit possible unintended effects on travel and land use patterns including access management, limitations on subsequent plan amendments, phasing of improvements, etc.
- V. Plan and ordinance provisions that meet all other applicable requirements of this division.

Land Use & Transportation Chronology

<u>YEAR</u>	<u>ACTION</u>	<u>IMPACT</u>
1995	Land Conservation and Development Commission (LCDC) directs Salem Keizer Area Transportation Study (SKATS) to show compliance with Transportation Planning Rule (TPR) requirements to show a reduction in Vehicle Miles Traveled during the next Regional Transportation System Plan (RTSP) update.	➤ Initiates requirement for Salem/Keizer metropolitan planning area to meet the TPR requirements in relation to mandated reductions in VMT.
1996	RTSP adopted by Salem Keizer Area Transportation Study (SKATS)	➤ SKATS demonstrates to LCDC that TPR VMT requirements could not be met. ➤ Alternative standards identified by SKATS as necessary to meet TPR requirements. ➤ SKATS vote commits individual jurisdictions to the development of alternative standards to meet the TPR requirements.
1998	Salem adopts Transportation System Plan (TSP)	➤ TPR key concepts identified in Salem TSP.
1998	Salem initiates Salem Futures project	➤ Salem develops strategy to comply with TPR requirements through the use of alternative standards. ➤ All regional partners invited to participate including Marion County, SKATS, City of Keizer, Polk County, and Salem Area Mass Transit District (SAMTD). ➤ Salem Futures becomes recognized by LCDC/DLCD as regional example project for developing alternative standards to meet TPR requirements. ➤ SKATS, Marion County and SAMTD begin working on their respective planning documents to take Salem Futures elements into consideration.
1998	Keizer adopts Development Code and legislative zone change	➤ Implemented high-density commercial/residential mixed-use zoning in Keizer's commercial core along River Road and parts of Lockhaven Road.

2000	Keizer adopts TSP	➤ TPR key concepts identified in Keizer TSP.
2001	Keizer adopts infill standards	➤ Standards developed to accommodate infill and intensification in an orderly manner on under utilized lots.
2002	Salem adopts preferred alternative for Salem Futures	➤ Identifies concept for the development of intensified mixed-use centers and high-priority transit corridors as the "alternative standards" approach for meeting the TPR requirements. ➤ Identifies long-term strategy for management of the shared Salem/Keizer Urban Growth Boundary (UGB).
2002	SKATS initiates Integrated Land Use & Transportation Forum	➤ Scope of work adopted by SKATS vote to coordinate regional jurisdictions efforts to develop alternative standards through the adoption of a regional strategy.
2002	Salem to adopt Salem Futures interim strategy.	
2003	Salem to refine preferred alternative to take into account actions of other jurisdictions.	
2003	SKATS to adopt regional alternative standards strategy.	➤ Sets requirements and goals for local jurisdictions within SKATS planning area to take action to adopt regional strategy for implementing alternative standards to meet the requirement of the TPR.
2003	Each jurisdiction to adopt SKATS regional alternative standards strategy.	➤ Commits each jurisdiction to developing methods of complying with the SKATS regional strategy for alternative standards to the TPR requirements.
2003-5	SKATS to revise RTSP	
2003-5	Salem to revise TSP and Comprehensive Plan to ensure compliance with regional strategy for alternative standards.	
2003-5	Keizer to revise TSP and Comprehensive Plan to ensure compliance with regional strategy for alternative standards.	

Regional Planning Efforts for Meeting TPR Requirements

J. Keizer's Involvement with Regional Partners

- Participate in Salem Futures in an advisory capacity to Salem since 2000.
- Participate in Marion County Growth Management project since 2001.
- Participate in SKATS Integrated Land Use and Transportation Forum from beginning of project.
- Regular participant in SKATS at the technical advisory committee (TAC) and policy advisory committee (PAC) levels.

JJ. Keizer's Adopted Land Use and Transportation Elements & Current Efforts

- 1998 - Keizer adopts Development Code and legislative zone change.
 - ✓ Implemented high-density commercial/residential mixed-use zoning in Keizer's commercial core along River Road and parts of Lockhaven Road.
 - ✓ Connectivity for pedestrian and transportation improvements is effectively addressed in the adopted street standards.
- 1998 - Keizer adopts Transportation System Plan (TSP).
 - ✓ TPR key concepts identified in Keizer TSP.
- 2000 - Keizer adopts infill standards.
 - ✓ Standards developed to accommodate infill and intensification in an orderly manner on under utilized lots.
- 2000 - Keizer commits staff resources and a City Council liaison to participate in Salem Futures project in an advisory capacity to Salem.
- 2001 - Keizer commits staff resources to participate in the Marion County Growth Management project.
- 2002 - Keizer pledges participation in the SKATS initiated Integrated Land Use & Transportation Forum.

- ✓ Scope of work adopted by SKATS vote to coordinate regional jurisdictions efforts to develop alternative standards through the adoption of a regional strategy.
- ✓ Keizer appoints three City Councilors to serve on the Policy Advisory Committee.
- ✓ Keizer commits staff resources to serve on the Technical Advisory Committee.
- *2002 - Keizer City Council approves funding for the hiring of a full-time Senior Planner position during the FY 2002-03 budget process to focus on regional long-range and transportation planning issues.*
- ✓ This increases Keizer's ability to fully participate with regional partners on coordinated long-range planning projects.
- *2002 - Keizer City Council initiates strategic planning process with City staff, business community members and citizens at large.*
- ✓ Strategy developed to conduct master plan of River Road commerce corridor including the concepts of land use and transportation.
- ✓ Applied for and received planning grant through COG for River Road master planning.

JJJ. Keizer's Strategy for Compliance With TPR Requirements

- Keizer is committed to continuing to work with our regional partners on regional land use and transportation issues in relation to creating alternative standards for meeting the TPR requirements.
- Keizer is preparing to create a citizen task force to study land use and transportation issues within the River Road corridor during a master planning process. This project will likely be initiated in late 2002 or early 2003. The community dialog during this process will include the development of alternative standards for meeting the TPR requirements. DLCD will be invited to participate in this process as we begin to address these issues.
- We look forward to adding an additional planning FTE in December, 2002 to help staff Keizer's efforts to develop alternative standards and lead these significant community discussions.
- Keizer is planning on initiating Periodic Review prior to 2005 and perhaps as early as the end of 2003. During this process, we expect to review our Development Code and Traffic System Plan and, where necessary and appropriate, consider amendments to come into compliance with the TPR through the application of alternative standards.



Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Lore Christopher
Mayor, City of Keizer
City Administration Building
930 Chemawa Road Northeast
Keizer, OR 97307

IN REPLY REFER TO:
Case No.: 02-10-026P

Community: City of Keizer, OR
Community No.: 410288
Panels Affected: 41047C0193 G, 0194 G,
0331 G, and 0332 G

Effective Date of **OCT 28 2002**
This Revision:

102-D

Dear Mayor Christopher:

This responds to a request that the Federal Emergency Management Agency (FEMA) revise the effective Flood Insurance Rate Map (FIRM) for Marion County, Oregon and Incorporated Areas (the effective FIRM for your community), in accordance with Part 65 of the National Flood Insurance Program (NFIP) regulations. In a letter dated May 31, 2001, Mr. Rob Kissler, Director of Public Works, City of Keizer, requested that FEMA revise the FIRM to show the effects of construction of a floodwall along the right bank (looking downstream) of the Willamette River from approximately 500 feet west to approximately 2,800 feet west of the intersection of Cummings Lane and Windsor Island Road and of a cutoff dike approximately 1,000 feet southwest of the intersection of Chemawa Road and 15th Avenue.

All data required to complete our review of this request were submitted with letters from Mr. Kenneth McGowen, U.S. Army Corps of Engineers, Portland District, and Mr. Kissler. Because this Letter of Map Revision (LOMR) shows the effects of a federally sponsored flood-control project where 50 percent or more of the project's costs are federally funded, fees were not assessed for the review.

We have completed our review of the submitted data and the flood data shown on the effective FIRM. We have revised the FIRM to modify the floodplain boundary delineations and zone designations of the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood) along the right overbank of the Willamette River from approximately 500 feet west to approximately 4,000 feet west of the intersection of Cummings Lane and Windsor Island Road and extending approximately 1 mile north toward Claggett Creek. As a result of the modifications, the width of the Special Flood Hazard Area (SFHA), the area that would be inundated by the base flood, decreased. The right overbank area designated as Zone AE, an SFHA with Base Flood Elevations determined, was redesignated Zone X (shaded), an area outside the SFHA and protected by levees from the base flood. The modifications are shown on the enclosed annotated copies of FIRM Panels 41047C0193 G, 41047C0194 G, 41047C0331 G, and 41047C0332 G. This LOMR hereby revises the above-referenced panels of the effective FIRM dated January 19, 2000.

Because this revision request also affects the unincorporated areas of Marion County, a separate LOMR for that community was issued on the same date as this LOMR.

The modifications are effective as of the date shown above. The map panels as listed above and as modified by this letter will be used for all flood insurance policies and renewals issued for your community.

A review of the determination made by this LOMR and any requests to alter this determination should be made within 30 days. Any request to alter the determination must be based on scientific or technical data.

We will not physically revise and republish the FIRM and Flood Insurance Study (FIS) report for your community to reflect the modifications made by this LOMR at this time. When changes to the previously cited FIRM panels and FIS report warrant physical revision and republication in the future, we will incorporate the modifications made by this LOMR at that time.

This LOMR is based on minimum floodplain management criteria established under the NFIP. Your community is responsible for approving all floodplain development and for ensuring all necessary permits required by Federal or State law have been received. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If the State, county, or community has adopted more restrictive or comprehensive floodplain management criteria, these criteria take precedence over the minimum NFIP criteria.

Because this LOMR will not be printed and distributed to primary users, such as local insurance agents and mortgage lenders, your community will serve as a repository for these new data. We encourage you to disseminate the information reflected by this LOMR throughout the community, so that interested persons, such as property owners, local insurance agents, and mortgage lenders, may benefit from the information. We also encourage you to prepare an article for publication in your community's local newspaper. This article should describe the changes that have been made and the assistance that officials of your community will give to interested persons by providing these data and interpreting the NFIP maps.

This determination has been made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) and is in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Public Law 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Pursuant to Section 1361 of the National Flood Insurance Act of 1968, as amended, communities participating in the NFIP are required to adopt and enforce floodplain management regulations that meet or exceed NFIP criteria. These criteria are the minimum requirements and do not supersede any State or local requirements of a more stringent nature. This includes adoption of the effective FIRM and FIS report to which the regulations apply and the modifications described in this LOMR.

If you have any questions regarding floodplain management regulations for your community or the NFIP in general, please contact the Consultation Coordination Officer (CCO) for your community.

Information on the CCO for your community may be obtained by calling the Director, Mitigation Division of FEMA in Bothell, Washington, at (425) 487-4682. If you have any questions regarding this LOMR, please call our Map Assistance Center, toll free, at 1-877-FEMA MAP (1-877-336-2627).

Sincerely,



Mary Jean Pajak, P.E., C.F.M., Project Engineer
Hazards Study Branch
Federal Insurance and
Mitigation Administration

For: Matthew B. Miller, P.E., Chief
Hazards Study Branch
Federal Insurance and
Mitigation Administration

Enclosures

cc: The Honorable Mike Ryan
Chairman, Marion County Board
of Commissioners

Mr. Rob Kissler
Director of Public Works
City of Keizer

Mr. Bill Worcester, P.E.
County Engineer
Department of Public Works
Marion County

Mr. Joseph T. Weber, Jr., C.F.M.
Federal Emergency Management Agency,
Region X

ORDINANCE NO. 2257

AN ORDINANCE PERMITTING THE USE OF GOLF CARTS IN DESIGNATED AREAS; REGULATING SUCH USE PURSUANT TO THE REQUIREMENTS OF STATE LAW; REPEALING ORDINANCE NO. 1841; AND DECLARING AN EMERGENCY.

[Whereas Clauses]

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Definitions.

(1) "Golf cart," is defined, as it is in ORS 801.295, as a motor vehicle that has not less than three wheels in contact with the ground, has an unloaded weight less than 1,300 pounds, is designed to be and is operated at not more than 15 miles per hour, and is designed to carry golf equipment and not more than two persons, including the driver.

(2) "Senior Estates," is defined as the areas platted as Woodburn Senior Estates, which is described as follows: Woodburn Senior Estates No. 2, Subdivision of Block No. 23 of Woodburn Senior Estates No. 2; Woodburn Senior Estates No. 3; Woodburn Senior Estates No. 4; Woodburn Senior Estates No. 5; Resubdivision of a portion of Woodburn Senior Estates No. 5, Blocks 48, 49, 50, 51, 52 & 53; Woodburn Senior Estates No. 6; Woodburn Senior Estates No. 7; Woodburn Senior Estates No. 7A; Woodburn Senior Estates No. 8 as filed with Marion County.

(3) "Woodburn Crossing" is defined as the shopping center located on the commercial properties to the northwest of the intersection of Highway 214 and Country Club Road, City of Woodburn, and lying immediately adjacent to Senior Estates.

Section 2. Where Golf Carts Are Permitted. Golf carts are permitted to be used on all of the streets in the areas known as Senior Estates and Woodburn Crossing as described in Section 1. No such permission is intended or implied for any public way other than those within the boundaries described. Golf carts may be operated between the golf course and the place where golf carts are parked or stored or located within or bounded by Senior Estates, as provided for in ORS 810.070.

Woodburn Ordinances

6-15.3

6-15.10

Section 3. Qualifications of Drivers. Drivers of golf carts shall obtain and have in their possession a valid Oregon Drivers License or Oregon Department of Motor Vehicles Golf Cart Permit when operating golf carts under this ordinance.

Section 4. Regulations for Use of Golf Carts. Golf carts shall be operated only during daylight hours, and shall observe all applicable requirements of state traffic law. Golf carts shall yield the right of way to motor vehicles and pedestrians when crossing a public street.

Section 5. Oregon Highway 214. The operation of golf carts shall not be allowed on any portion of the public highway known as Oregon Highway 214. The crossing of Highway 214 at Oregon Way and Country Club Road or any other location is prohibited. Golf carts shall use the golf course tunnel under Highway 214 to get from one side of the highway to the other.

Section 6. Registration and Licensing Exemption. Golf carts operated pursuant to this ordinance shall be exempt from registration and licensing as provided in ORS 820.210.

Section 7. Vehicle Equipment Exemption. Golf carts operated pursuant to this ordinance shall be exempt from vehicle equipment laws as provided for in ORS 810.070.

Section 8. Liability. The operation of golf carts under this Ordinance shall be totally the risk and responsibility of the operator. The City, by passing this Ordinance of permission and designation under state law, assumes no responsibility for the operation of the golf carts and shall be held harmless in any action arising from the operation of golf carts on or off any public way within the City.

Section 9. Repeal. Ordinance No. 1841 is hereby repealed.

Section 10. Emergency Clause.

Passed by the Council February 14, 2000 and approved by the Mayor February 15, 2000.

AN ORDINANCE PERMITTING THE USE OF GOLF CARS ON PUBLIC STREETS.

Section 1. Definitions

(1) "Golf cart," is defined, as it is in ORS 801.295, as a motor vehicle that has not less than three wheels in contact with the ground, has an unloaded weight less than 1,300 pounds, is designed to be and is operated at not more than 15 miles per hour, and is designed to carry golf equipment and not more than two persons, including the driver.

Section 2. Where Golf Carts Are Permitted. Golf carts are permitted to be used on all public streets within a 18 block radius of the entrance to McNary Golf Course, provided such streets are considered for residential use or have designated bike paths.

Section 3. Qualifications of Drivers. Drivers of golf carts shall have in their possession a valid Oregon Drivers License or Oregon Department of Motor Vehicles Golf Cart Permit when operating golf carts under this ordinance.

Section 4. Regulations for Use of Golf Carts. Golf carts shall be operated only during daylight hours, and shall observe all applicable requirements of state traffic law.

Section 5. Crossing of Streets or Roads. Golf carts must abide by the same rules and laws as motor vehicles, bicycles and pedestrians when crossing main roads.

Section 6. Registration and Licensing Exemption. Golf carts operated pursuant to this ordinance shall be exempt from registration and licensing as provided in ORS 820.210.

Section 7. Vehicle Equipment Exemption. Golf carts operated pursuant to this ordinance shall be exempt from vehicle equipment laws as provided for in ORS 810.070.

Section 8. Liability. The operation of golf carts under this ordinance shall be totally the risk and responsibility of the operator. The City, by passing this Ordinance of permission and designation under state law, assumes no responsibility for the operation of the golf carts and shall be held harmless in any action arising from the operation of golf carts on or off any public way within the city of Keizer.

Section 9. Emergency Clause.

Davis, Tracy

From: Meier, Maria
Sent: Monday, November 04, 2002 10:33 AM
To: City Councilors; Davis, Tracy
Cc: VICKIE Woods; CECELIA URBANI; Dave Pratt; Jim Allen; Keith Liden (liden@pbworld.com); Klaus Schilde; Lester SASAKI (lsasaki@co.marion.or.us); Shannon Johnson (eshannonjohnson@aol.com); Sterling Anderson; Eppley, Christopher; Kissler, Rob; Randal Tosh; Mike Swaim Law Office; Commissioner Mike Propes; Commissioner Mike Ryan; Lore Christopher; Mayor Mike Swaim; Adams, Marc; Davis, Tracy; Gahlsdorf, Susan; Hunt, Dianne
Subject: Monday, November 4th City Council Packet Re: Keizer Station Plan
Importance: High

Please find attached copies of three attachments that have been corrected for this evening's City Council meeting regarding the Keizer Station Plan. Attachment A (page 11), Attachment H (page 10), and the Preliminary Findings (pages 35-37) have been corrected. Please print the above referenced pages from each document to replace the pages you recently received in your Council packets. Hard copies will also be provided to the City Council at the November 4th Council meeting.

This message has been copied to the SKAPAC staff subcommittee and SKAPAC Elected Official Subcommittee as well. SKAPAC participants are also requested to replace such pages to your packets.

Also, as the findings in the Council packet are preliminary only. The acreage chart in the preliminary findings has been corrected. Documentation referring to the acreages is being corrected at this time to match those in the proposed Keizer Station Plan and pages 35-37 of the preliminary findings. As the area of ground known as the Chemawa Activity Center has never been surveyed, the most accurate information being documented in this proposal is from the Marion County Assessor's Office. This information will fully be corrected and copied to the Keizer City Council and all participants in the SKAPAC process.

*Maria Meier
Planning Director
City of Keizer*

11/4/2002

ATTACHMENT A

minimum required yard of forty (40) feet in depth adjacent to the lot line separating the EG zone from the abutting district. ~~The 40 foot required yard shall not be varied and shall be landscaped in accordance with Section 2.309. [Alternative additional language: The 40 foot required buffer shall not be included in the minimum percentage for landscaping on a lot.]~~ (CC 09-03-02)

A. Height, Setback, Coverage, and Landscaping Requirements

Development Type	Building Standards		Building Setbacks				Minimum Landscaping
	Maximum Height	Maximum Lot Coverage	Street-side		Side/Rear Not Adjacent to Residential zone	Adjacent to Residential zone	Percentage of Lot Area
			Min	Max			
Commercial	50 100 ft. (1)	85% (2)	10 ft.	20 ft. (3) (4)	None	40 ft.	<u>15%</u> <u>40%</u> (5) (6)
Industrial Park	<u>80 ft.</u> <u>100 ft. /</u> <u>15ft. within</u> <u>50 of any</u> <u>residential</u> <u>zone</u> (1)	80% (2)	<u>25 ft.</u> <u>20 ft.</u>	None	None	40 ft. <u>plus 2 ft.</u> <u>for each foot of</u> <u>bdg. height</u> <u>over 50 ft.</u>	<u>20%</u> <u>40%</u> <u>15%</u> (5) (6)

(1) Height Exceptions. Exceptions to the maximum height standard are stated below.

- a. Projections allowed. Chimneys, flag poles, satellite receiving dishes, and other items similar with a width, depth, or diameter of 5 feet or less may rise 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.
- b. Rooftop mechanical equipment. All rooftop mechanical equipment must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Elevator mechanical equipment may extend up to 16 feet above the height limit. Other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.
- c. Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit.

(2) ~~Structures that exceed 60,000 sq. ft. must comply with Sections 2.119.06.A and 2.119.07.A. (CC 09-03-02)~~

(2) Maximum lot coverage allowed for buildings, accessory structures and paved parking.

(3) Alternative maximum setback option for large commercial uses.

- a. Purpose. The intent of these regulations is to allow significant deeper street setbacks for very large retail stores locating along transit street or street in a pedestrian district.

driveway is provided along a lot line between two separately owned properties. In case of the latter exception, at least ten feet of landscaped yard shall exist parallel and along each side of the common driveway. (5/98)

H. Lot Coverage

1. Each lot within an IBP district ~~not within the Keizer Station Plan~~ shall have a least 20 percent of its gross area landscaped; that portion of the required yards, which are landscaped, may be included in the calculation to meet the 20 percent landscaped area. (5/98)
2. ~~Each lot within an IBP district within the Keizer Station Plan shall have a least 10 percent of its gross area landscaped; that portion of the required yards, which are landscaped, may be included in the calculation to meet the 10 percent landscaped area.~~

I. Open Storage

1. Open storage of materials and equipment is prohibited in required yards, but is otherwise permitted provided that such storage is enclosed with a sight-obscuring fence, wall or berm at least six feet in height, or a sight obscuring hedge no less than four feet in height and capable of obtaining a height of six feet within two years, any of which shall be located on the property at the required set back line in the same manner as if such berm, fence, wall, or hedge were a building. (5/98)
2. Materials and equipment stored as permitted in this section shall be no more than 14 feet in height above the elevation of the storage area. (5/98)

J. Landscaping

1. Landscaping shall meet the requirements of the Keizer Development Code as well as the following requirements. (5/98)
2. Required yards shall include the following plant materials:. (5/98)

Number of Plant Units or Square Feet of Living Ground Cover Per 1000 Square Feet of Landscaped yard

Plant Type	Boundary of IBP District	Other Locations
Trees	2	1

Keizer Station Plan Area Zoning (acres)

Zone	Existing Zoning	Proposed Zoning	Change
IBP	122.1	52.2	-69.9
IG	0	30.8	+30.8
CM	19	11.4	-7.6
MU	36	34.5	-1.5
P	34.9	0	-34.9
CO	12.5	0	-12.5
CR	0	1.5	+1.5
RS	0	1.1	+1.1
EG	0	93	+93
Total	224.5	224.5	0

The above listed acreage is based upon data from Marion County Assessor's Office, December 2001, updated by a site- specific survey of parcels within the city.

Keizer Station Plan Area Zoning by Subarea (acres)

Area A - Village- 97.1 acres

Existing:

Industrial Business Park – 84.0 acres

Commercial Mixed Use – 11.0 acres

Proposed:

General Industrial – 2 acres

General Employment – 93.0 acres*

* EG zone requires minimum of 25% of area (23.25 acres) for industrial use and maximum of 75% of area (69.75 acres) for commercial uses. Retail commercial uses as defined are further limited to a maximum total floor area of 800,000 square feet

Area A - Sports - 66.6 acres

Existing:

Industrial Business Park – 38.1 acres

Public – 27.9 acres

Proposed:

Industrial Business Park – 37.2 acres

General Industrial – 28.8 acres

Retail commercial uses are limited to a maximum total floor area of 15,000 square feet.

Area B – 12.5 acres

Existing:

Commercial Office – 12.5 acres

Proposed:

Commercial Mixed Use – 11.4 acres

Single Family Residential – 1.1 acres

*** Retail commercial uses as defined are limited to a maximum total floor area of 25,000 square feet.**

Area C – 36.0 acres

Existing:

Mixed Use - 36.0 acres

Proposed:

Mixed Use - 34.5 acres

Commercial Retail - 1.5 acres

*** Retail commercial uses as defined are limited to a maximum total floor area of 65,000 square feet.**

Area D – 15.0 acres

Existing:

Public – 7.0 acres

Commercial Mixed Use – 8.0 acres

Proposed:

Industrial Business Park – 15.0 acres

*** Retail commercial uses as defined are limited to a maximum total floor area of 70,000 square feet.**

ATTACHMENT A

7. **Miscellaneous repair services** (76).
 8. **Motion pictures** (78), BUT EXCLUDING drive-ins (7838).
 9. **Amusement and recreation** (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996).
 10. **Health services** (80), BUT EXCLUDING hospitals (806).
 11. **Legal services** (81).
 12. **Elementary and secondary schools** (8211).
 13. **Correspondence schools and vocational schools** (824).
 14. **Schools and educational services** not elsewhere classified (829).
 15. **Social services** (83).
 16. **Museums, art galleries, botanical and zoological gardens** (84).
 17. **Membership organizations** (86).
 18. **Miscellaneous services** (89).
- K. **Public Administration** (91 - 97).
- 2.119.07 Special Permitted Commercial Uses**
The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the EG zone:
- A. ~~Any commercial use, as identified in Sections 2.119.06 I. and 2.119.07 C(4) below, structures that exceed 60,000 square feet in floor area in accordance with Section 2.119.08 A below.~~ (CC 09-03-02)
- B A. **Accessory structures and uses** prescribed in Section 2.203.
- C B. **The following special uses** subject to the applicable standards in Section 2.4 and shall be considered commercial uses in the EG zone:
1. **House of Worship** (Section 2.423).
 2. **Veterinary services** (074) (Section 2.414).
 3. **Funeral service and crematories** (726) (Section 2.415).
 4. **Used Merchandise Store** (Section 2.417).
 5. **Service stations** (554) (Section 2.419) ~~except as provided in Section 2.119.07 below.~~ (Recommended by Staff 11-04-02)

ATTACHMENT A

~~minimum required yard of forty (40) feet in depth adjacent to the lot line separating the EG zone from the abutting district. The 40 foot required yard shall not be varied and shall be landscaped in accordance with Section 2.309. [Alternative additional language: The 40 foot required buffer shall not be included in the minimum percentage for landscaping on a lot.]~~ (CC 09-03-02)

A. Height, Setback, Coverage, and Landscaping Requirements

Development Type	Building Standards		Building Setbacks				Minimum Landscaping
	Maximum Height	Maximum Lot Coverage	Street-side		Side/Rear Not Adjacent to Residential zone	Adjacent to Residential zone	Percentage of Lot Area
			Min	Max			
Commercial	60 100 ft. (1)	85% (2)	10 ft.	20 ft. (3) (4)	None	40 ft.	<u>15%</u> <u>10%</u> (5) (6)
Industrial Park	80 ft. <u>100 ft. / 15ft. within 50 of any residential zone</u> (1)	80% (2)	<u>25 ft.</u> <u>20 ft.</u>	None	None	40 ft. plus 2 ft. for each foot of bldg. height over 50 ft.	<u>20%</u> <u>10%</u> <u>15%</u> (5) (6)

(1) Height Exceptions. Exceptions to the maximum height standard are stated below.

- a. Projections allowed. Chimneys, flag poles, satellite receiving dishes, and other items similar with a width, depth, or diameter of 5 feet or less may rise 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.
- b. Rooftop mechanical equipment. All rooftop mechanical equipment must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Elevator mechanical equipment may extend up to 16 feet above the height limit. Other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.
- c. Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit.

(2) ~~Structures that exceed 60,000 sq. ft. must comply with Sections 2.119.06.A and 2.119.07.A.~~ (CC 09-03-02)

(2) Maximum lot coverage allowed for buildings, accessory structures and paved parking.

(3) Alternative maximum setback option for large commercial uses.

- a. Purpose. The intent of these regulations is to allow significant deeper street setbacks for very large retail stores locating along transit street or street in a pedestrian district.

driveway is provided along a lot line between two separately owned properties. In case of the latter exception, at least ten feet of landscaped yard shall exist parallel and along each side of the common driveway. (5/98)

H. Lot Coverage.

1. Each lot within an IBP district ~~not within the Keizer Station Plan~~ shall have a least 20 percent of its gross area landscaped; that portion of the required yards, which are landscaped, may be included in the calculation to meet the 20 percent landscaped area. (5/98)
2. ~~Each lot within an IBP district within the Keizer Station Plan shall have a least 10 percent of its gross area landscaped; that portion of the required yards, which are landscaped, may be included in the calculation to meet the 10 percent landscaped area.~~

I. Open Storage

1. Open storage of materials and equipment is prohibited in required yards, but is otherwise permitted provided that such storage is enclosed with a sight-obscuring fence, wall or berm at least six feet in height, or a sight obscuring hedge no less than four feet in height and capable of obtaining a height of six feet within two years, any of which shall be located on the property at the required set back line in the same manner as if such berm, fence, wall, or hedge were a building. (5/98)
2. Materials and equipment stored as permitted in this section shall be no more than 14 feet in height above the elevation of the storage area. (5/98)

J. Landscaping

1. Landscaping shall meet the requirements of the Keizer Development Code as well as the following requirements. (5/98)
2. Required yards shall include the following plant materials:. (5/98)

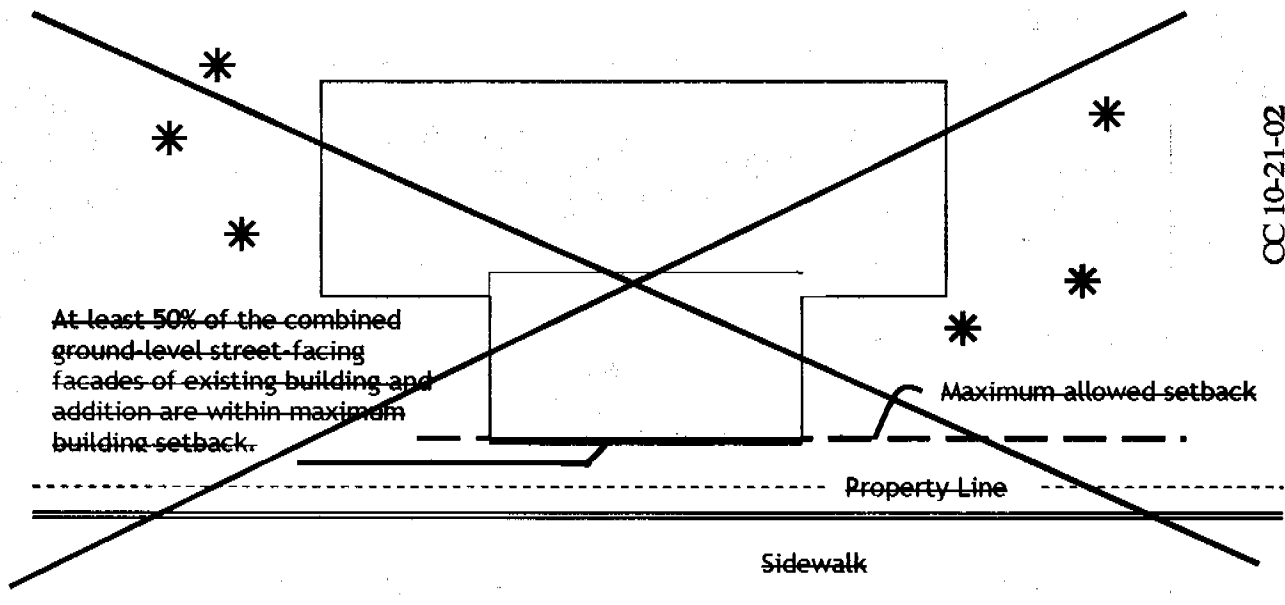
**Number of Plant Units or Square Feet of Living Ground Cover
Per 1000 Square Feet of Landscaped yard**

Plant Type	Boundary of IBP District	Other Locations
Trees	2	1

ATTACHMENT A

and individual elements of an integrated shopping center, in exchange for a pedestrian and transit-friendly main street type of development. These large commercial sites can still be transit-supportive and pedestrian-friendly by placing smaller commercial buildings close to the street and by creating an internal circulation system that is similar to streets to separate the parking area into blocks. The intent is to encourage development that will, over time, form a pedestrian-friendly main street along the perimeter of the parking blocks.

- b. Regulation. Commercial buildings that exceed 60,000 square feet of floor area (CC 09-03-02) are exempt from the maximum setback requirements identified in Section 2.119.10.B11.A, if all of the following are met: provided the system connects buildings on the site to all adjacent properties.
- (i) ~~Other buildings on the site have ground level walls within the maximum setback for at least 25 percent of the frontage on a transit street or street in a pedestrian district. For sites with frontage on more than one public transit street or in a pedestrian district, the following regulations below apply. These buildings must be constructed before or at the same time as the large commercial use; Frontage on more than one transit street. Where the site is adjacent to more than one transit street, the following standards apply:~~
 - (a) ~~If two or more of the transit public streets intersect, at least 50% of the length of the ground level street facing façade of the building must be within the maximum setback along two of the intersecting transit streets, but does not need to be met along others; the applicant may choose which intersection; and~~
 - (b) ~~If none of the transit streets intersect, at least 50% of the length of the ground level street facing façade of the building must be within the maximum setback; the applicant may choose which street.~~
 - (ii) ~~Connections between sites. The system must connect the buildings on the site to all adjacent properties.~~
- (4) ~~At least 50 percent of the length of the ground level street facing facade of a building must be within the maximum setback. (CC 09-0302) (CC 10-21-02)~~



Keizer Station Plan Area Zoning (acres)

Zone	Existing Zoning	Proposed Zoning	Change
IBP	122.1	52.2	-69.9
IG	0	30.8	+30.8
CM	19	11.4	-7.6
MU	36	34.5	-1.5
P	34.9	0	-34.9
CO	12.5	0	-12.5
CR	0	1.5	+1.5
RS	0	1.1	+1.1
EG	0	93	+93
Total	224.5	224.5	0

The above listed acreage is based upon data from Marion County Assessor's Office, December 2001, updated by a site- specific survey of parcels within the city.

Keizer Station Plan Area Zoning by Subarea (acres)

Area A - Village- 95 acres

Existing:

Industrial Business Park – 84.0 acres

Commercial Mixed Use – 11.0 acres

Proposed:

General Industrial – 2 acres

General Employment – 93.0 acres*

* EG zone requires minimum of 25% of area (23.25 acres) for industrial use and maximum of 75% of area (69.75 acres) for commercial uses. Retail commercial uses as defined are further limited to a maximum total floor area of 800,000 square feet

Area A - Sports - 66 acres

Existing:

Industrial Business Park – 38.1 acres

Public – 27.9 acres

Proposed:

Industrial Business Park – 37.2 acres

General Industrial – 28.8 acres

Retail commercial uses are limited to a maximum total floor area of 15,000 square feet.

Keizer Station Plan Area Zoning by Subarea (acres)

Area A - Village- 95 acres

Existing:

Industrial Business Park – 84.0 acres

Commercial Mixed Use – 11.0 acres

Proposed:

General Industrial – 2 acres

General Employment – 93.0 acres*

* EG zone requires minimum of 25% of area (23.25 acres) for industrial use and maximum of 75% of area (69.75 acres) for commercial uses. Retail commercial uses as defined are further limited to a maximum total floor area of 800,000 square feet

Area A - Sports - 66 acres

Existing:

Industrial Business Park – 38.1 acres

Public – 27.9 acres

Proposed:

Industrial Business Park – 37.2 acres

General Industrial – 28.8 acres

Retail commercial uses are limited to a maximum total floor area of 15,000 square feet.

to Keizer Station Plan and A-109). The proposed decision makes adjustments that increase commercial opportunities to provide the City with *at least an adequate* supply of Commercial Lands, and after the implementation of the proposed decision, there will still be *at least an adequate* amount of industrial lands as well. (D-5-7; A13, 14, 16, 52, 72; July 31, 2002 Hobson economic opportunities memo). All of these adjustments under the proposal occur on land already planned for Goal 9 uses. Therefore, basic planning assumptions regarding these lands as framed in the KCP remain valid.

In the analysis noted above, the City of Keizer currently has only a ten-year inventory of commercial land and a fifty-year inventory of industrial land. The proposed decision more rationally distributes the land inventory in Keizer so there are viable commercial development opportunities and the surplus of industrial land is reduced. The proposed adjustments provide the City with *at least an adequate* supply of commercial lands, and after the implementation of the proposed decision, there will still be *at least an adequate* amount of industrial lands as well.

The proposed decision changes from the planning commission recommendation only by (1) imposing the 975,000 square foot limitation on retail commercial as defined, (2) modifies the EG zoning district text, and (3) makes some minor adjustment to Area D (the Tribes land). The changes to the EG district simply increased the flexibility of that district to provide a land base for commercial and light industrial uses.

The changes to the EG zoning district have no effect on the fundamentals of the land supply analysis performed by Hobson Ferrarini Associates in the Goal 9 economic opportunities analysis. The EG zone continues to mandate that uses be developed as a maximum 75% commercial and a minimum of (25%) industrial park. The Hobson Ferrarini analysis assumed that of the 93 acres zoned EG, 25% were inventories as Industrial land and 71.25 acres (75%) were commercial land. Under the 800,000 square footage maximum retail commercial limitation applied by this decision to the EG area, assuming a .25 FAR, means that 73.5 acres is the maximum retail commercial that will be allowed in the EG district. This is an assumption that is

only 2.25 acres more than the 71.5 acres of retail commercial assumed in the EG zone under the planning commission recommendation.

The Hobson Ferrarini analysis establishes that the City has a 7.8-acre deficit of commercial land in the 20 year forecast under the planning commission decision. Under the decision attached there is still a deficit of 5.55 acres. Hobson Ferrarini also notes that the EG area could develop 100% as industrial uses.

As noted, the City's IBP zoning district is an acknowledged Goal 9 economic district. The City could have a totality of IBP uses in the EG zoning district. This is because while there is an overall restriction on retail commercial, there is no corresponding restriction on industrial uses.

All of the adjustments to the planning designations under the proposed decision occur on the CACP area land that is already planned for Goal 9 uses. Therefore, basic planning assumptions regarding these lands as framed in the KCP remain valid.

**City of Keizer
20 Year Commercial and Industrial Inventory Analysis**

	Existing Inventory		Potential Inventory Post PROPOSED DECISION	
	Commercial	Industrial	Commercial	Industrial
Buildable Acres	72.5	99.5	124.8	54.2
20Year Demand	132.6	38.5	132.6	38.5
Surplus/(Deficit)	(60.1)	61.0	(7.8)	15.7
Inventory (years)	10.9	51.5	18.8	28.1

condition of its people – all within the City's existing commercially and industrially designated lands.

The chief concerns expressed by opponents seem to have as their genesis that this program the City proposes may indeed work and attract such businesses to make the CACP area one that achieves economic outcomes for Keizer. However, zoning for the potential for economic success is not the equivalent of violating Goal 9.

Relatedly the proposal does not deplete the City's supply of lands available for commercial and industrial uses, as some of the opponents have asserted. In the existing CACP Area A, there are currently 122.1 acres of land for IBP (Industrial Business Park) uses. Under the proposal, there will be 75% or 71.25 acres of land for which the full spectrum of EG uses are allowed which includes both commercial and industrial opportunity. Further, another 25% or 23.75 acres of land in the EG zoning district of Area A (Village Center) that must be put to IBP use. This means that there will be a total of 52.2 acres of land put to IBP uses under the proposal. Finally, the new zoning district applied to Area A (Village Center), the EG zoning district, does not foreclose IBP uses. As noted above, it is a zoning district that blends both commercial and industrial uses in an effort to create an "employment" zone with flexibility to respond to the market.

Because the EG zoning district allows a number of IBP industrial uses itself, the new EG zoning district adds a flexible 93 acres that can be used for a variety of Commercial/Industrial uses.

Opponents have asserted that OAR 660-015-010 applies to the proposal, requiring Keizer to perform a parcel-by-parcel "economic opportunities" analysis for the entire Marion/Polk/Salem/Keizer UGB. Respectfully, the cited administrative rule includes no such requirement. It is well established that the OAR cited by these opponents to the proposal, applies to periodic review. A recent OAR amendment also reinforces that so long as a planning action is consistent with "the parts of [the city's] acknowledged plan which addresses the requirements of this division" the analysis the opponents demand is not required. OAR 660-009-0010(4)(a). The

SCALE 1" = 20'



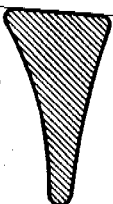
SIDEWALK

N. RIVER RD.



SIDEWALK

SIDEWALK

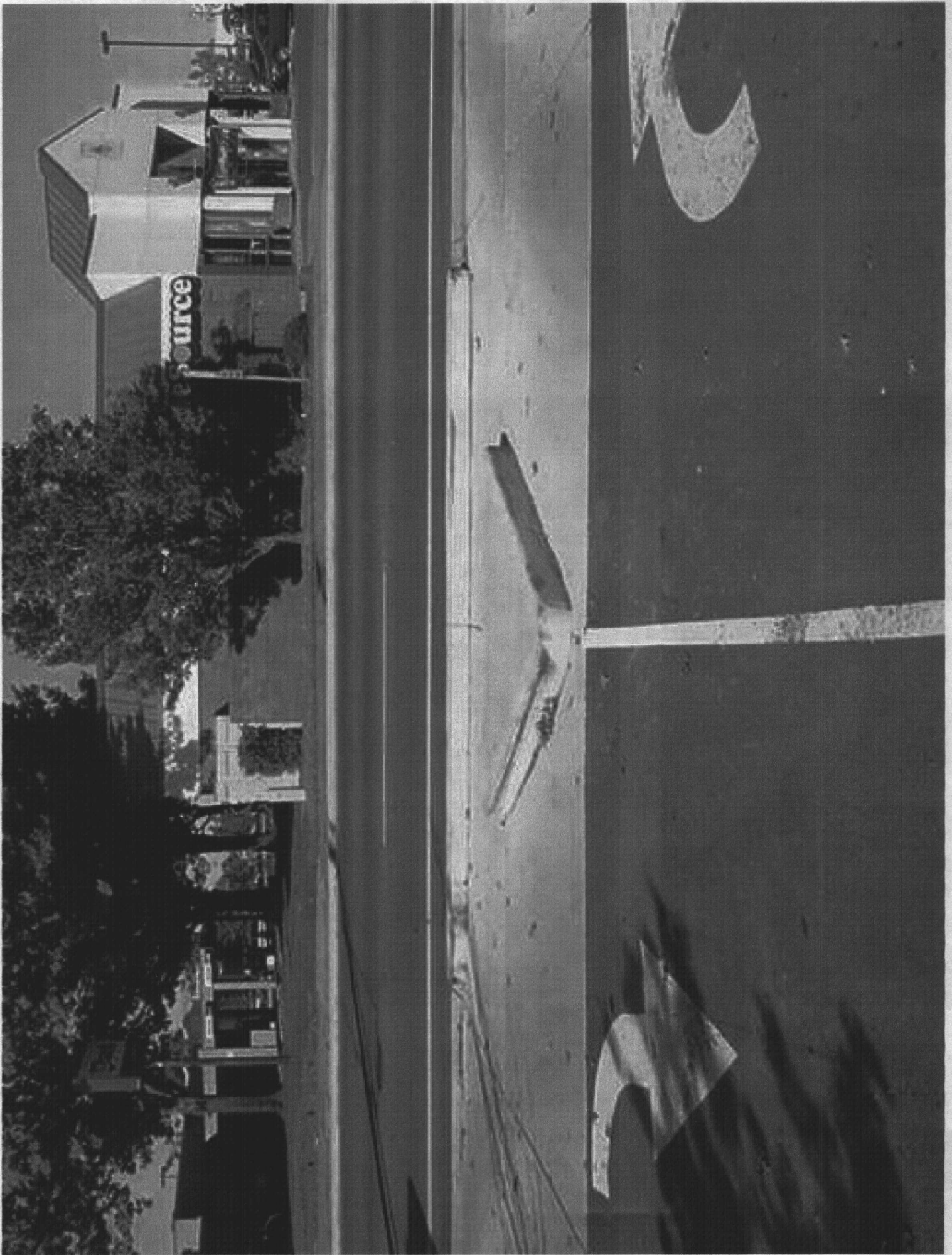


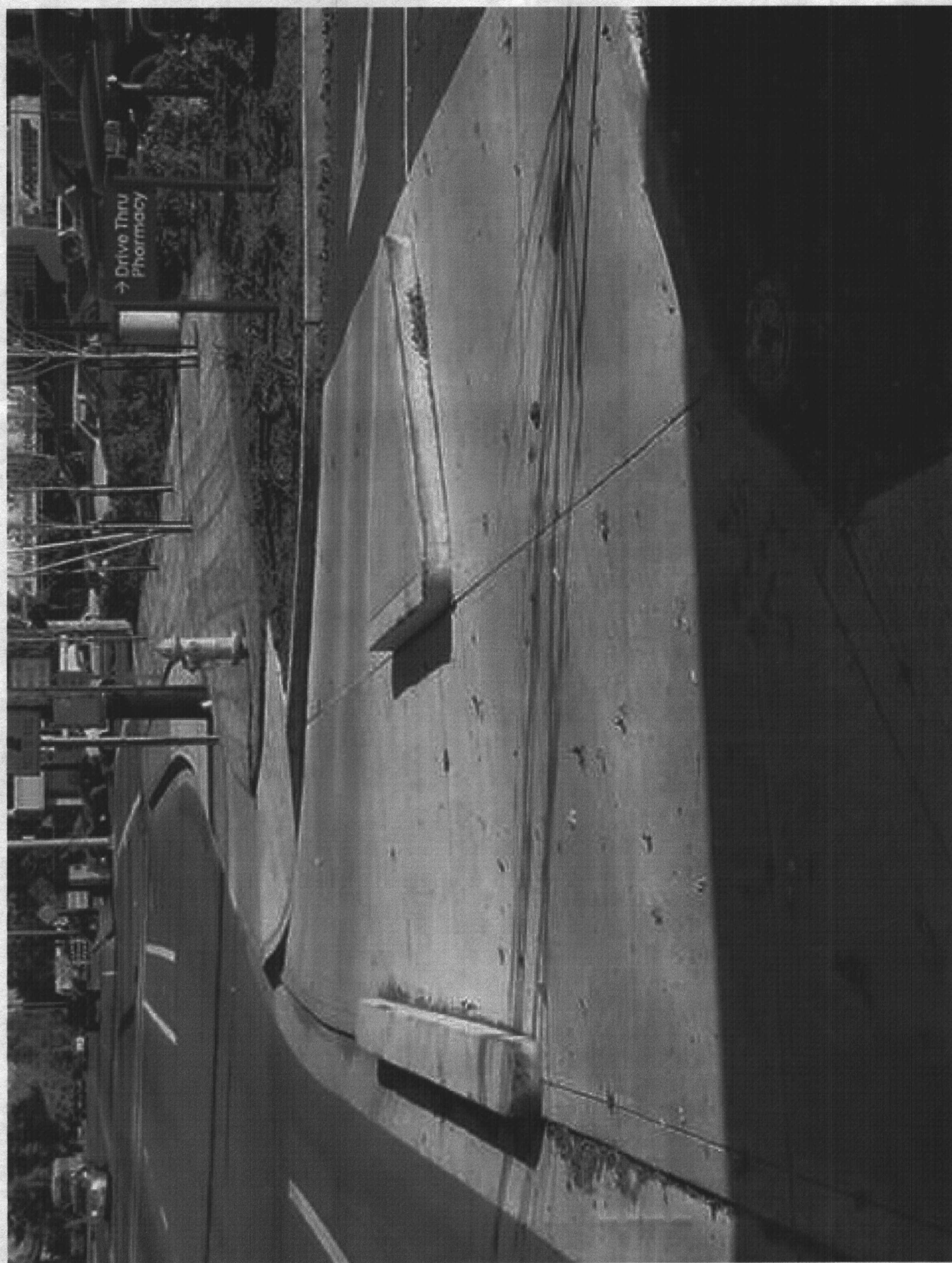
CADE ST.

**EXIST.
BLDG.**

**EXIST.
BLDG.**







PUBLIC TESTIMONY

IF YOU ARE INTERESTED IN ADDRESSING THE COUNCIL ON AN ISSUE NOT LISTED ON THE AGENDA OR AN ITEM ON THE AGENDA NOT SCHEDULED FOR A PUBLIC HEARING, PLEASE FILL OUT THE INFORMATION BELOW AND GIVE TO THE CITY RECORDER OR STAFF GREETER PRIOR TO THE START OF THE MEETING. THE MAYOR WILL RECOGNIZE YOU AND ASK FOR YOUR TESTIMONY AT EITHER THE PUBLIC TESTIMONY SECTION OF THE MEETING OR THE APPROPRIATE AGENDA ITEM.

EACH PERSON'S COMMENTS WILL BE LIMITED TO FIVE MINUTES.

Name:

Greg Pedersen

Address:

1345 Harmony

Subject or Agenda Item Number:

Golf Carts

Your Comments:

Proponent _____ Opponent _____ General _____

Date

11/4/02

PUBLIC TESTIMONY

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EACH PERSON'S COMMENTS WILL BE LIMITED TO FIVE MINUTES.

Name: Jerry Watson

Address: 1237 Manzville Way NE.

Keizer

Subject or Agenda Item Number: Gibson Area

Trail / Highway Issue

Your Comments:

Proponent _____ Opponent _____ General X

Date NOV 4, 2002

PUBLIC TESTIMONY

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EACH PERSON'S COMMENTS WILL BE LIMITED TO FIVE MINUTES.

Name: SHAYNE HOLLANDSWORTH

Address: 1191 MANDARIN ST. NE

Subject or Agenda Item Number: GUBSER

Your Comments:

Proponent _____ Opponent _____ General _____

Date _____

PUBLIC TESTIMONY

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EACH PERSON'S COMMENTS WILL BE LIMITED TO FIVE MINUTES.

Name:

Rick Weddle

Address:

1245 Harmony Dr. NE

Subject or Agenda Item Number:

Cubser

Your Comments:

Proponent _____ Opponent _____ General _____

Date

11-4-02

PUBLIC TESTIMONY

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EACH PERSON'S COMMENTS WILL BE LIMITED TO FIVE MINUTES.

Name:

Anne O'Rourke

Address:

1266 Harmony

Subject or Agenda Item Number:

Gubser Traffic

Your Comments:

Proponent _____ Opponent _____ General _____

Date

11/4/02